

Using nudges to gently push people towards their real interests: the modern way of manipulation or a revolutionary and acceptable solution of many problems that even media should consider?

10 October 2017

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Master thesis in Political Theory

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Word count: 34.163

Abstract

Nudging is a promising concept that should create an acceptable compromise between paternalists and libertarians. Through this thesis the concept of nudging will be elaborated on in an extensive way. Not only by aiming to come up with a clear definition, but also by explaining all factors of this definition extensively. By explaining how nudges could work and how it is possible to make nudges acceptable by both libertarians and paternalists I tried to answer the question whether or not nudging can be acceptable and desirable to use within media. Although in the first part of this thesis it already becomes clear that nudges do not have a sharp definition, it still appears to be a noble endeavor that can help solve a lot of societal problems without banning options. By adding criteria like akrasia, inertia and queasiness, nudging will be bounded better and within the first part that appeared enough to use the promising concept to push society to more wellbeing. However, by exploring the concrete case of the media by applying nudging, it became clear that the concept isn't defined enough to just blindly accept it as a noble and positive strive. Although nudging definitely appears to be possible within legal frameworks, as for instance defined by UNESCO, and even within normative frameworks like an ethical code of journalism, it became clear that it is probably a bit too easy to justify a manipulation as a nudge. Besides that, for an actor like the media that has to deal with reality, there are a lot of subjects in which just too many points of view exist; media often have no specific goal they want to achieve as policies often do. I will argue that objectivity is not realistic, but that nudging isn't necessarily a panacea either.

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Introduction

Within our modern societies people have a lot of freedom to make their own choices. We can (mainly) decide ourselves what kind of insurance we want, if we want to eat healthy or not, if we want to behave sustainably or not, and even if we want to accept some fines when we, for example, want to drive faster than accepted. While these freedoms are often praised, there are also many governments and organizations who believe that people do not always make the best choices when it comes to the long term impact. These institutions want people to make better choices, for themselves and the common good, and have to think about how they can influence people to become, for example, healthier, more sustainable and as rational as they could be.

These attempts can be seen in many decisions and policies. Recently the European furniture shop Ikea replaced all the soft drinks it sells with healthier fruit water (Ikea, 2015) and The Refter, a university restaurant in the Netherlands, also did such an experiment in the light of sustainability. They introduced a meat free Monday and handed out flyers explaining how meat has an impact on the environment (De Gelderlander, May 2015). These policies are two of the many examples of attempts to make people healthier and more thoughtful about the environment. Whether these experiments are meaningful or not remains unclear. Since certain possibilities are excluded, these kinds of experiments get a lot of critique: people feel patronized and affected in their freedom of choice. Besides that, by removing options, the real preferences will not be influenced: it just makes another choice impossible. The question is if institutions, especially the government, should try to influence choices towards what they think is less biased. Besides that, another question is if there aren't better and less patronizing ways to do so. This debate is often held by paternalists and libertarians. Paternalists argue that it is justified to help people to achieve more well-being, even if this has to be compensated by a 'small' compromise on personal liberty (Sunstein, 2014). This is obviously in contrast with the ideals of libertarians. They are strongly against restriction of freedom. People should have a free choice, if they don't want to be healthy, or just prefer another alternative; the government shouldn't have a say in that decision (Kymlicka, 2002). Only people themselves are able to fully understand their intrinsic motivations and what may or may not increase their subjective welfare.

A few years ago Sunstein and Thaler (2008) introduced a compromise between those views. So called nudges should push people towards a better direction, without banning the bad options. A nice illustration of a nudge is the following (NU.nl, 2015): in 2015, the municipality of the Dutch city The Hague had a problem. They closed some roads for maintenance and discovered that many citizens just ignored the fact that the road was closed. Instead of taking the temporary route that had been

marked by the municipality, they just kept using the familiar roads, with or without obstacles in their path. The municipality came up with an easy solution to stop the cyclists from bothering the road workers. Instead of making it impossible to use the road, putting officers in front of fences or other similar measurements, they installed signs with the amount of extra time and calories that would be burned when using the alternative road. This way people knew how much time they would lose (around 3 minutes), learn that they burn more calories and are therefore more likely motivated to use another route. While knowing that taking the other road is just a few minutes extra and better for your health, why still try to cycle around obstacles? Quite a successful solution: Most people did use another route, without changing the costs or ease of using the familiar roads. This is an example of nudging. Other examples are the picture of a house-fly in the men's closet of the Dutch airport Schiphol to make men concentrated on the fly while peeing and therefore more concentrated on peeing IN the bowl. Another example is putting footsteps on the floor, heading towards stairs to encourage the use of stairs instead of elevators. Yet another example is using optical illusions to make drivers think they drive faster in dangerous curves to make them drive slower and use their brakes earlier.

Sunstein and Thaler (2008), argue that nudging belongs to libertarian paternalism. A relatively new school of thought that tries to bring the seemingly oxymoron of libertarianism and paternalism together. Not without success in a practical sense: Sunstein himself even assisted Obama to help promote the use of nudges in the United States in a special Nudge Unit. But, is nudging theoretically indeed defensible for both libertarians and paternalists? To date the literature is divided. The amount of different definitions of nudges is already confusing, and with that also the debate. Elaborating on this debate and the desirability of nudges can therefore have significant value.

An important aspect of nudging is to provide information on a certain matter. When thinking of providing information the main subject coming to mind is the media. The media provides a lot of our everyday news and therefore provides information about nearly everything (they think is important). A new and interesting question is if nudging is indeed defensible for both libertarians and paternalists, if it also would be possible and desirable to let the media nudge. The media pretends to be neutral, and consists of many different institutions with a lot of different views and opinions. When for example looking at the Ethical code for broadcasts by the United Nations Educational, Scientific and Cultural Organization (UNESCO), is nudging possible for an individual journalist or newspaper? More importantly: should a journalist or medium strive to nudge? Is it desirable and ethically justifiable? When looking at the media, it is possible to test whether or not nudges are indeed acceptable in a very sensitive case. A subject that isn't elaborated on yet within the existing

literature, but could give interesting theoretical insights and even meaningful practices for the existing media or governments.

To answer the question if nudging is the libertarian paternalist consensus that is also desirable to be used by media, it is important to start off with addressing the debate about nudging and whether or not it can be categorized as libertarian paternalistic. Because of the amount of attention on the subject a huge amount of literature exists on many facets of nudging. The question remains how to define a nudge to make it acceptable for both libertarians and paternalists. When this is clarified it is possible to elaborate more on media. Therefore this thesis will consist of two parts. In the first three chapters the libertarian paternalism debate will be addressed with questions as what nudging exactly is, how it works, what libertarianism and paternalism entail and if and how a marriage between these schools of thought is possible. After this, in the fourth chapter, it is possible to focus on the media. Are nudges sufficiently acceptable for media to use them? This in the light of possibility and desirability.

1. What is nudging?

Imagine a cafeteria owner in a school, tasked with a redesign of the food department. This individual has a lot of options when deciding how the department should be arranged. The choice the owner will make is one with a lot of impact: the design will influence which food the children will pick (Sunstein and Thaler, 2008). Because of this it's important to elaborate on how the food should be arranged. This could be done randomly, with the intention to increase profit, or with the well-being of customers in mind. If you think it should be the latter, an example of which would be putting healthy food in plain sight, you would essentially be in favour of nudging, and according to Sunstein and Thaler that would make you a libertarian paternalist. Libertarian paternalists think they should use these kinds of tricks to help people make, what they call, the right choice: the direction that is best for people's own welfare.

Sunstein and Thaler present the libertarian paternalist point that people aren't always capable of making the right choices themselves. People are inherently biased because of the automatic thinking system they usually use. An example of this is using heuristics to make decisions, another is the more general sensitivity for temptations. Therefore choice-architects should help people to make the choice they would have made if they weren't biased or not concentrated. In this case that would mean picking the healthy choice instead of the junk food, at least according to Thaler and Sunstein (2008). Nudging is however not just manipulating or limiting people's choices in the light of doing 'good' or helping. Nudging, according to the dictionary, is about gently pushing. A nudge helps people to make the right choice, without banning the 'bad' alternative. You push people towards picking the healthy products while still selling the unhealthy options as well. Or, as Sunstein and Thaler argue: choice-architects influence decisions with preserving liberty in mind. The definition they use for nudges is as follows:

"A nudge, as we will use the term, is any aspect of the choice architecture that alters people's behaviour in a predictable way without forbidding any options or significantly changing their economic incentives. To count as a mere nudge, the intervention must be easy and cheap to avoid." (Thaler and Sunstein 2008, p.6).

This also means that a choice-architect acts with the intention to influence. Thaler and Sunstein do not necessarily write about this, but without this condition every change in a choice-architecture could be counted as a nudge. The fact that Thaler and Sunstein claim that the effect of a nudge is predictable implies that the choice architect knows what will happen with the chosen design and therefore does act with that defined goal in mind. This broadness and unclearness in the definition of nudging is however a huge problem. A lot of literature about nudges has been written, in a relatively

short period of time, across many different disciplines. From the use within healthcare (f.e. Li and Chapman, 2013 the applicability with law and privacy (F.e.: Lepenies and Malecka, 2015, Alemanno and Spina, 2014), to ethical debates about how acceptable nudging is (Fischer and Lotz, 2014, van Hees, 2009, Bovens, 2009). Because of the broadness of the definition and the amount of literature published in the same short period of time, there are a lot of different usages of the word. As a result the definition of nudging has become very unclear. Steering behaviour in a predictable manner can be done and interpreted in many ways. For example Sunstein (2003) himself already stated that the information a GPS provides can count as nudging because the behaviour that follows is predictable. The same applies to using warning signs. Even simple things like straightforward designs intended to be impossible to misinterpret or simple feedback on choices can be described as nudges. At the other end of the spectrum are more aggressive nudges. Examples are interventions such as automatically registering people in the organ donor system or even introducing cool-off periods (forcing people to wait a certain amount of time before giving them the chance to opt out of policies). The description is broad enough to encompass almost anything and as Gigerenzer (2015) fairly notes:

“Since the publication of Thaler and Sunstein’s (2008) *Nudge*, almost everything that affects behaviour has been renamed a nudge, which renders this concept meaningless (p.363). “

Without an umbrella- or overarching definition and an explanation of the different aspects of nudging, it is impossible to distinguish nudges from pure manipulations and other forms of influences on decision-making. On top of this it makes nudging difficult to grasp. Therefore I set out to define this abstract term myself. It is based on the different statements about nudges in the different publications that Thaler and Sunstein, the inventors of the term, wrote in the last years (2002, 2008, and 2012.) In the following sections I will use the below definition to explain the different aspects of nudging more clearly:

Nudging is **debiasing** the human decision-making process in a **cheap and avoidable way**. It is about intentionally changing the choice architecture in a predictable manner to make people pick the option that is best for their '**real or objective interest**'. These nudges can vary like a continuum ranging from more **libertarian** to more **paternalistic** pushes, as long as no options are forbidden or heavily promoted by economic incentives. Additionally **the criteria of neutrality and transparency** must be met. This means nudges can vary from debiasing decision-making by providing complete and neutral information about choices and warning people about biases, to making a default rule of specific options and only making these avoidable after a cool-off period.

By this definition nudging is about intentionally affecting choices in a predictable manner. It’s about libertarian paternalism and about how to be included in both schools of thought by

being cheap and avoidable, transparent and neutral. Nudging is described as debiasing since Thaler and Sunstein argue that people do not make the right decisions because of biases, and nudges should help to overcome these, something that will be elaborated on later. By explaining the different aspects I will also use definitions of others that are quite similar to the way Thaler and Sunstein appeared to define the concept. Although I will not address all of the alternative interpretations available, I first want to point out that they do exist and explain why I do not address them.

1.1 Other definitions of nudging

As mentioned before, the available literature about nudging has grown rapidly; therefore there are many different ways of approaching and defining nudging in the literature. While Sunstein and Thaler use a very vague definition and make it difficult to render the concept 'nudge' and the broader framework of libertarian paternalism, others like Mills (2015), Hagmann (2015) and Lepenies and Malecka, (2015) argue that nudges aren't necessarily meant to influence people for their welfare. Nudges can also push to overcome collective action problems. They split nudges into two categories: the ones that steer towards the individual rational directions and the ones that steer into social desirable directions. The rational direction purely implies paternalism. The socially desirable direction however, is aimed to overcome collective action problems and should therefore be more acceptable to libertarians. There are a lot of authors who make these kinds of categories, for example with or without changing the law, based on transparency (Hansen and Jespersen, 2015), social or pro-self-nudges (Hagmann et al, 2015), based on whether or not nudges are about heuristic – triggering, heuristic-blocking or informing (Grüne and Yanoff, 2015) and many others that I will not elaborate on. I chose to stay as close as possible to the original debate of nudging and the way Thaler and Sunstein meant it.

The broad definition of Sunstein and Thaler appears to capture all categories, and although the specific categories can be useful for further discussions, I will stick to the original definition to avoid mixing up all kind of definitions myself. Furthermore I will elaborate on other variants and alternatives when discussing if nudging is indeed both libertarian and paternalistic. However, just sticking to Thaler and Sunstein's definition is not sufficient to fully grasp the entirety of nudging. Therefore, in the next chapters, I will discuss each criterion separately and will clarify when a choice-intervention is considered a nudge and when it is just seen as manipulation. The first sector addresses the question what it means to be a libertarian paternalist. The second sector addresses what being paternalistic and libertarian means for

nudges. After answering these questions it is possible to determine when a push counts as a nudge that is acceptable for both paternalists and libertarians, and when a push is just a paternalistic intervention or a manipulation. Additionally these questions need to be answered before it is possible to elaborate on desirability of nudges. So what does it mean to be libertarian and paternalistic?

1.2 What is paternalism?

Libertarian paternalism is a new concept, but it is quite similar to the older concept of soft paternalism. The paternalistic dimension shows why nudging implies knowing what the objective interest of people is. Sunstein (2014, p41) explains paternalism as:

“Government does not believe that people’s choices will promote their welfare, and it is taking steps to influence or alter people’s choices for their own good. In acting paternalistically, government may be attempting (1) to affect outcomes without affecting people’s actions or beliefs; (2) to affect people’s actions without influencing their beliefs; (3) to affect people’s beliefs in order to influence their actions; or (4) to affect people’s preferences, independently of affecting their beliefs, in order to influence their actions”.

Paternalism is often defined in (a minimum of) two categories: soft and hard paternalism. Libertarian paternalism has to do with the soft variant, in which no material costs are exposed to the influenced subject (Sunstein, 2014). Enrolling people automatically, can be seen as a soft paternalistic intervention. On the other hand, making a certain option the default, without an option to circumvent it, would count as a hard paternalistic intervention. Both these categories are divided in ‘means’ and ‘ends’ paternalism, as in the following illustration:

	Means Paternalism	Ends Paternalism
Soft Paternalism	Fuel-economy labels	Automatic enrollment in particular religion or political party (with opt-out provision)
Hard Paternalism	Fuel-economy standards	Criminal ban on same-sex relations

Figure 1: Explanation categories of paternalism (Sunstein, 2014)

As these examples show, the government that only tries to influence the ‘means’ should give detailed and accurate information about matters they value as important. This would count as means

paternalism. When the government frames accurate and detailed information to try influencing choices, or when they make changes in the choice people made automatically, it counts as ends paternalism. The difference is in influencing the mean or the end. Sunstein (2014) uses both soft paternalism and libertarian paternalism when talking about nudges, and both terms appear to be interchangeable in the context of nudges. The term libertarian paternalism seems to be used by Thaler and Sunstein to make nudging more acceptable by both schools of thought.

The clearest definition of nudges to be found in the literature so far is written by Rebonato. He tried to define the concept nudge and its justification within the framework of libertarian paternalism as Thaler and Sunstein meant it.

“Libertarian paternalism is the set of interventions aimed at overcoming the unavoidable cognitive biases and decisional inadequacies of an individual by exploiting them in such a way as to influence her decisions (in an easily reversible manner) towards choices that she herself would make if she had at her disposal unlimited time and information, and the analytic abilities of a rational decision-maker (more precisely, of homo economicus).” (Rebonato 2012, P6)

The fact that Sunstein and Thaler think that people themselves are not able to make the best decisions, or refuse to do so, shows why nudging can be seen as paternalism. Especially because this principle embodies their main cause to intervene with people’s decision-making process. This also becomes clear in Gigerenzer’s definition (2015): “*interventions aimed at overcoming biases*” and in the words of Sunstein who argued that by choosing to design a cafeteria in a way people will choose more healthy products, you act with the ‘real interest of people’ in mind. This definition directly implies that libertarian paternalists accept the fact that there is something like an objective interest which applies to everybody in our society and that people should be helped to make decisions to achieve this; In this case, the choice for health. It is not surprising that not everybody agrees with this point of view. For example Gigerenzer summarizes nudges and its paternalistic dimension in a critical way:

“Objective [of nudges]: A benevolent ‘choice architect’ (policy maker) determines what is best for the people. The people themselves, however, are rarely asked because they are assumed to lack rationality (see justification).

Engineering: A nudge is introduced to change people’s behaviour in the desired direction, without incentives, coercion, or education.

Justification: To justify why governments should nudge their citizens in the first place rather than educate them, libertarian paternalists call upon psychological research that has allegedly shown people’s systematic lack of rationality and inability to unlearn their errors.” (p363, 2015)

Sunstein and Thaler do call nudges libertarian because they are not purely paternalistic: nudges should respect the liberal idea as well. This means that, according to them, not every attempt to change behaviour counts as a nudge; A necessary condition for a nudge is to be relatively cheap and easy to avoid. There must be a possibility to choose the 'bad choice' without a lot of extra effort. So, in short, a nudge consists of two dimensions: the liberal (1) and the paternalistic (2) dimension.

1. People are free to make their own choices and are free to opt out from arrangements they do not prefer. Liberty should be preserved and people should have as much liberty of choice as possible.
2. Choice architects may influence the individual decisions towards choices of people's 'real interest'. Choices that will improve their well-being, for example eating food that is healthier.

1.3 What is libertarianism?

Libertarian paternalism seems to be quite similar to soft paternalism and it is heavily elaborated on why it is paternalism. But why should it be called libertarian paternalism? Libertarianism, according to Kymlicka (2002) is *"those views that ascribe an intrinsic as opposed to instrumental value to the individual's ability to express and enact her choice without hindrance [...] not everyone who favors the free market is a libertarian, for they do not all share the libertarian view that the free market is inherently just"* (P.102)

As such nudges are libertarian because they won't influence the freedom of choice and won't forbid or exclude any options. The freedom is still present, so people could still choose what they want to choose. The libertarian part of nudging appears to become more pressing when determining how aggressive a nudge may be: nudges should not change the decision-making by making choices impossible. This keeps the choice set the same and thereby also preserves the freedom to choose what you want. Nudges are just meant to make some choices easier, not to restrict them. Making choices easier in the light of people's welfare can already be seen as an unjust intervention, especially when judging deontological instead of consequential. However, Thaler and Sunstein do argue that if this intervention is in between the borders of aggressiveness it can still be libertarian. 'Between the borders of aggressiveness' is however a rather vague description that needs more elaboration.

1.4 The continuum: how aggressive is a nudge allowed to be?

Thaler and Sunstein (2003) do not establish clear boundaries around which nudges count as libertarian paternalism and which don't. It has been stated that the costs to opt out must not be too high, but what exactly is too high? This question is left unanswered. According to Thaler and Sunstein

the school of libertarian paternalism is like a kind of a continuum in which people can differ from being more libertarian to being more paternalist. This means it is possible for some people to go further than the inevitable influencing when using nudges, while for others it is definitely not. Of course for both ends of this continuum people have to be both libertarian and paternalistic. This means they *“promote welfare by helping people to solve problems of bounded rationality and bounded self-control [...] they would nonetheless allow people to move in their preferred directions”* (Thaler and Sunstein, 2003, p23). Thus nudges always have to meet the criteria of: (1) being cheap and avoidable and (2) respecting neutrality and transparency. How aggressive they are is up to the choice architect. Thaler and Sunstein try to make this clearer by defining different and more intruding ways of paternalism as well as less intruding ways of paternalism, starting with minimal paternalism. Minimal paternalism is the most libertarian because it is seen as inevitable paternalism. These are for example designs that use default rules to steer people in a certain direction. Because there always has to be a certain default rule, choosing a default rule that tries to nudge is just using an inevitable tool, and therefore it counts just as a ‘minimal intervention’, or at least according to Thaler and Sunstein (2003). Another option is to coerce people to choose, for example having to choose whether you want to be an organ donor when getting a driver’s license. This does not change the choice-architecture; it only forces you to think about these matters because you are forced to decide explicitly, thoughts that aren’t required if you have to search for an application form yourself. These two kinds of nudging are seen as minimal and therefore as probably not problematic for libertarians.

A more aggressive form of nudging would be to add constraints to leaving the default plan. The aggressiveness of this method depends on the cost the constraint imposes. There is a difference between opting out by filling in one online-form, or having to submit three different forms at the town hall. What is justified depends on the kind of choice that is nudged, or as Thaler and Sunstein state: *“The justification for the constraints will depend on whether there are serious problems of bounded rationality and bounded self-control”* (Thaler and Sunstein, 2003, p.30). This is also possible in an even more aggressive form where people are only able to reject on terms the choice architect defines. This could already be more problematic for libertarians, since it does impose serious costs on choosing what you want to choose, but it appears it should be possible as well: the choice is still available. However, this is exactly the problematic part of these explanations and justifications. By using a continuum as a way to determine what aggressiveness is permissible, there isn’t a well-defined and sharp boundary around how aggressive a nudge can be while still being considered a nudge. It just depends on how libertarian or paternalist you are whether or not you define a measure or policy as an acceptable nudge. Who determines whether nudges by institutions are justified?

Some people affected by a nudge will accept it as a nudge, others won't because they feel constrained in their freedom of choice. Which point of view is the most important when deciding if a nudge is not too aggressive? To make this more clear it is interesting to look at an example of this continuum as Sunstein and Thaler put it in their book:

Consider a law requiring drivers to wear seat belts. If the law is enforced, and a large fine is imposed, the law is non-libertarian even though determined violators can exercise their freedom of choice – at the expense of the fine. But as the expected fine approaches zero, the law approaches libertarianism. The libertarian paternalism that we are describing and defending here attempts to ensure, as a general rule, that people can easily avoid the paternalist's suggested option (2003, p29)

This example is quite unsatisfactory when trying to decide what nudges really are, and to determine when they are acceptable as libertarian paternalism. This definition leaves a lot unclear and leaves room for many different interpretations. Sunstein and Thaler therefore come up with some methods that could determine the degree of aggressiveness of a nudge. As an example they propose doing a cost-benefit analysis. When a lot of people will stay registered as organ donors by changing the default to being donor, you have a lot more donors and thus a large positive influence on the common good. On the other hand it is still possible to refuse being a donor, without a lot of effort or extra burdens. Therefore Thaler and Sunstein argue that we can assume automatic enrolment would be the best option. The consequences are worth the small effort that people that don't want to be a donor have to do. There are several other methods of determining whether a change in the choice-architecture is worth the compromise on liberty, for example: (1) Choosing the option that most people would have picked or (2) trying to determine how difficult a decision is and how likely making an error is. The answers on these questions will determine how far the choice-architect may go.

Therefore, the definition of nudge still lacks clarity. There isn't a sharp border around the definition, which is the reason nudging still is a vague concept. The boundary changes with every subject, event and country. It looks like you just have to wait and see what will be accepted and what will need restrictions, with a different approach for each subject and location. It would even mean it is possible to try to become a bit more aggressive, step by step, to explore how far down the (slippery) slope you can go. When you (or the people) value the benefits enough to compensate for the costs it seems to be justified as a nudge. Something that could also occur when people just have more pressing issues to handle and therefore fail to protest. Until now, especially with such a poorly defined boundary, nudging sounds like a problematic concept to me. There is no clear definition and it is very easy to just manipulate

while justifying it as a nudge. Who determines if I want to constrain my liberty to benefit my welfare? And isn't this only a solution when you look at the consequences of nudging? The action, intruding in the decision-making process, is still as paternalistic as can be. Especially if you just look at the action and intention. However, there is more to distinguishing nudges from manipulation. Although the aggressiveness of a nudge can vary, nudges need to be based on two premises: Transparency and Neutrality. These conditions appear to be added to make the distinction between nudges and manipulation more clear.

1.5 The criteria of neutrality and transparency

The conditions of neutrality and transparency do not only define nudging more clearly, they also distinguish the concept of nudging from pure manipulation. For example advertisements that do appear in such a subtle way they are not consciously noticed, but do influence the decision-making process, are excluded with these two criteria.

Transparency

Nudges should be in line with the publicity principle of Rawls (Thaler and Sunstein, 2003). Governments may only impose policies that they can publically defend to their citizens. Governments should respect their citizens, and shouldn't use its inhabitants as tools for manipulation. Policies should be possible to monitor and cannot be imposed in an invisible manner. Nudges should be designed in a way that governments are able to say: we do use this nudge to have that effect (Thaler and Sunstein, 2003). When said it should be clearly legal and it's especially important that the people accept it. It must be possible to explain the policy to the citizens without causing them to protest. Important to note is the fact that governments do not necessarily have to be transparent to justify the nudge as a nudge, they just *should* be able to do so. Whether this is really transparent or not could be defined as questionable. However, it is important to note that by explaining policies and the desired effect, they could preclude the intended effect from happening.

Neutrality

The second condition a nudge should meet is neutrality (Thaler and Sunstein, 2008). To respect the rights and liberty of choice of their citizens, the government should remain as neutral as possible. Without neutrality nudging would just be about imposing own values while manipulating citizens. This means nudges shouldn't be used to promote a certain religion, philosophy or political view. An important question that should be asked before counting something as a nudge is if the nudger can and does help the nudgee. It is about helping the nudgee, not imposing your own values on them. It is however a bit difficult to accept this condition and interpret what it would mean for nudging. It is clear why this condition is added and that it distinguishes nudges from for example advertisements

with profit in mind. However, in my view aiming for welfare already imposes a certain view, since people can have other aims. Only rationalization of people, to make people think about their decisions and aims more before making choices, would be neutral. When nudging towards health, you already impose a certain view of life. So you could say that nudges should be neutral, when accepting there is a kind of objective welfare that can be seen as neutral.

1.6 The case of organ donation

To make the criteria of nudging clearer it is interesting to look at an example that is quite relevant within our society: the debate about what the default option for organ donation should be. Within this case there are different default rules around the world. For example, in Germany and The Netherlands (or at least until 2017) you need to opt in to become a donor by filling in an application form. In other countries, like Austria and Spain you need to opt out by filling in a form if you don't want to be an organ donor (Johnson and Goldstein, 2003), for example the USA, you have to make this choice when you get your driver's license. How should we look at this decision in the light of nudging? Is it possible to justify the change of policy to make people opt out in the USA and The Netherlands?

Is an opt-out system in our own interest?

Within the debate of organ donation the fact that many people are willing to become a donor is often mentioned. Sunstein and Thaler (2008) come up with American research that states that 79 percent of Iowa's citizens are supporting the general idea of transplantation. Of those people only 43 percent did check their willingness to donate box. Of the part that not only accepts the general idea, but explicitly agrees to become a donor themselves, 64 percent choose that surviving family has the right to decide, but would be aware of their own preference. The remaining 36 percent registered for the organ donor card, a card you can carry with you to show your preference, without registering the choice. So, the argument is that people are willing to become donor, but just forget to fill in an application form or consider this too much of a hassle. This is often illustrated by statistics showing that in countries with an opt out system the amount of organ donors is higher (Johnson and Goldstein, 2003). Aside from that organ donors are also beneficial for society as a whole. There is a lack of organs, which could be solved by having more organ donors. This would increase the quality of healthcare that can be given in case of organ-failure, something that could happen to anyone. Therefore people should realize that opting in as a donor is in their own interest. By accepting that premise you could say that people do not act rationally when they do not opt in. Therefore it is possible to argue it is in people's own interest to nudge them towards organ donation. (Although there are also plenty of reasons to argue it is not.)

Is an opt-out system justifiable with libertarian paternalism?

Organ donation is one of the subjects in which a default rule is inevitable. Opting in is a default, just as much as coerced choosing or opting out are. As Thaler and Sunstein claim we could therefore argue that a certain amount of paternalism is inevitable and we should thus use it for the better cause. Changing the default rule would just be minimal paternalism that doesn't change the choice-set. Not being an organ donor is still an option, you only have to change your preference in an online-form. This is however a simplified reproduction of reality. It is for example also possible to make choosing coerced (also seen as nudging), which makes people think about it, but does not push the person towards a specific choice. Which one should we choose if both are nudging and when there are even more possibilities? You can also start a campaign by asking people if they are already registered as donor with the application form attached, without coercing them to choose (which will of course suffer again from people's laziness and inertia, but is far more libertarian.) Is an opt-out default really as harmless as thought? Organs are after all an essential part of someone's body, on which others will decide when you accept an opt-out system. Thaler and Sunstein do use the example as an example of a nudge, since it is easy to avoid that decision and welfare will be served.

Is the condition of transparency met?

It seems to be fairly possible to explain and justify a measure like an opt-out system, because of the clear costs and benefits and because it does not intrude on any choice-set. Of course it will not be without criticism. People for example will argue that they do not want to be a donor and that the government may not impose them to do so. Why does the government get to decide about your body and why are you forced to reverse that? Is that the right direction of decision making? It is true that it is defensible, but there are still many questions left. This is maybe easier for the coerced choosing option, since you can explain the importance of organ donation and don't have to make a choice you'll have to defend in the debate. Thaler and Sunstein (2008) do however accept an opt-out as nudge and thus as meeting transparency as well. Although I still think a nudge that introduces a coerced choosing situation would be more acceptable to many people, at least concerning this subject.

Does an opt-out system meet the condition of neutrality?

Because of the irrationality that should be involved with not opting-in, Sunstein and Thaler will probably see changing the system as a neutral policy change. It doesn't change the choice-set and helps people to be rational. So it is indeed defensible as a neutral decision. On the other hand the belief that people do want to become a donor is not completely neutral. It is probably true that many people do not care that much, but there are definitely a lot of people that do not agree. For example religious people or people who think differently about concepts of death. We could say that we do

help the majority with an opt-out system, but is it really a neutral policy that aims towards an objective welfare? This seems to be one of those policies that will be accepted in countries that have a lack of donors and see that issue as pressing.

What does this mean?

So, nudges should be transparent and neutral (or according to an objective interest). The aggressiveness depends on being more paternalistic or more libertarian and the aggressiveness could be calculated by certain methods like doing a cost-benefit analysis. This distinction is, as explained in the example, still very vague and raises a lot of questions. Is an opt-out system for organ donation a simple and defensible nudge? I'm convinced it all depends on how strict people are about their right of self-determination, not necessarily about the liberty that remains. That's why I think it can be useful to go deeper into the debate between paternalists and libertarians to search for a definition of a nudge that is acceptable for both libertarians and paternalists. Firstly however, To be able to thoroughly address that discussion and to make it more clear what exactly can be done when nudging, it is important to explain in more detail what Sunstein and Thaler mean practically with nudging and where their justifications originates from. What kind of interventions do count as nudges? How do nudges unbiased decision making by influencing towards (or manipulate?) the will of the people and is it indeed as inevitable as Thaler and Sunstein argue? When known how they try to change people's behaviour and how they justify those attempts, it is possible to elaborate on how libertarian and paternalistic it is. That discussion will therefore follow after the following chapter.

2. How do nudges work?

Thaler and Sunstein justify nudges by explaining that people do not always think rationally. This would mean in most cases that people do not make the most rational choices possible. Therefore they should be debiased (or helped as they would call it). This way individuals will make the right choices, the choices they really would want to make when not being emotional but purely rational. Thus, the concept of nudges and the justification of it depends heavily on the mechanisms of the human brain. The fact that the decision-making process of people is often biased, and the lack of well-formed preferences, should justify nudges. It especially shows why nudging is important and how it could work. This thought is based on the functioning of the brain and the distinction Kahneman (2011) made between the rational and the automatic system of thinking.

Thaler and Sunstein argue in line with Kahneman's thinking that within the real world there is a difference between the homo economicus and the homo sapiens. Economists mostly use the first to explain that people are rational beings who calculate consequences of decisions before deciding which choice is the best. Humans are however prone to emotions, do not have enough time (or patience) and capacity to have a sufficient amount of knowledge and to think everything through extensively. They are not purely economicus, they are homo sapiens. They are affected by, for example, bounded rationality, temptations, inertia and social pressure. They often learn what is right or wrong by making errors and use certain tricks to make decisions faster in everyday situations. In contrast with the homo economicus the homo sapiens thus often uses the automatic system while making a decision.

Contemporary social science distinguishes between this automatic system and the reflective one. The homo economicus uses the reflective option for every decision, while humans often rely on the automatic one. When people use their reflective system they are self-conscious and deliberative about their options. It is controlled, effortful and deductive. When using the automatic system however, it is fast, effortless and uncontrolled (Kahneman, 2011). When, for example, thoughts pop up or when an impression of a politician is used to decide who to vote for, the automatic system made the decisions instead of the reflective one. Using the automatic system, people are more prone to errors they wouldn't have made using the reflective one. Thaler and Sunstein use an interesting example to explain this difference. They ask their readers the following question:

"In a lake, there is a patch of lily pads. Every day, the patch doubles in size. If it takes 48 days for the patch to cover the entire lake, how long would it take for the patch to cover half of the lake? _____ days"

The answer most humans will give, when they are just reading fast, thinking about nudges instead of math, and not using their reflective system, is 24 days. Sunstein and Thaler argue that when using the reflective system, you would know it has to be 47. It isn't that difficult that doubling the cover of half of the lake makes the entire lake covered. The difference between the systems shows that people are often not as rational as they could or should be and therefore can and will make bad decisions. Take for example pension plans. Many people do not pay any attention to this subject until they get older. Whether this is the most rational way a pension can be planned may be questioned. Nudges could help people, by for example making enrolment in a pension plan the default to ensure they are covered from the day they start working. Some other examples are:

- **Temptation:** Everyone knows the situation in which you keep eating something tasty before dinner, knowing you shouldn't or the decision to eat healthy until you go shopping and can't resist the junk food in front of you. These problems have to do with temptation. People do have a cold and a hot state. Thinking about being healthy occurs in a cold state, when smelling something unhealthy you are in a hot state and far more likely to give in.
- **Social pressure:** People do learn from one another, and are influenced by the act of others. One of the most influencing nudges is using this information. When many people buy a certain thing, or choose a certain restaurant, others will automatically assume it must be a valid choice. Going a step further, if you ask someone a simple question in the presence of others, while first making others answer wrongly, many people will also give the wrong answer because they don't want to risk to be seen as stupid (Sunstein and Thaler, 2008). An example of a company that uses this kind of social influence is Facebook. It often asks my phone number by telling that 91 other friends already submitted it to make their account safer, or they encourage to like pages because four others are doing it as well. We can find a similar pressure by putting people in the spotlight. When they find themselves in the centre of attention, imagery or not, they will be more inclined to choose the option most accepted by their audience. Choice-architects could for example use the majority to nudge in the following manner: 'your neighbourhood uses far less energy than you do...' (Thaler and Sunstein, 2008)

2.1 How should planners use these biases?

The question is how planners could use the biases to help people. The question if they should, is of course a whole other question, and will be addressed in the coming chapters. To make that discussion useful it is however important to know what Sunstein and Thaler want nudgers to do.

What is nudging? As has been explained so far, nudging is intended to help people make better choices for their own well-being and/or that of the society in general, without harming the individual. This helping hand must be easily avoidable without a lot of costs. Nudges can be thought of by trying to overcome biases like temptation, mindlessness, framing, biases in information, rules of thumb and over optimism. But how should designers help?

Designers should keep in mind that humans are using certain designs to make choices, and that they often do not think thoroughly about these choices. So designers could do certain things to make life easier for people. The examples showed that we often have a lack of information in our (short term) memory or that we just don't elaborate thoroughly. Overcoming (actually just using) these biases is the goal of a nudge. To show why nudges are called nudges this list by Thaler and Sunstein, as found in their book 'Nudge', tells us the following:

- Imposing **default** rules: as became clear people often choose the status-quo. Therefore, thinking about the best way to design the default can have a lot of influence.
- Designers should **expect errors**: People are biased, and thus will make errors. Therefore it is better to expect these and try to circumvent them. Examples are packing medicines together with placebos. To make it possible to take one pill every day, instead of every third day.
- Give **feedback**: Designers should understand that some choices aren't easy. Which treatment to choose relies on what the doctor prescribes. A good architecture should help mapping and selecting options to make someone better off. Explain for example what size a photograph will be in inches with a specific camera, instead of listing the amount of pixels. For many people the inches are far more useful.
- **Structure complex choices**: Having too many choices makes us use alternative strategies, while clear and structured choices will enable people to make better choices on their own.
- **Incentives**: When people are rewarded for certain efforts they are more likely to get motivated to actually undertake the effort.
- **Understand mappings**: investigate how the choice around presentation of options influences the decision-making, and use it for framing or designing of, for example, cafeterias.

Or to summarize these solutions and to reveal the roots of the word nudges:

INcentives

Understand mappings

Defaults

Give feedback

Expect error

Structure complex choices

To make this more understandable I will explain some biases Thaler and Sunstein describe and how these biases should be overcome by nudges.

2.2 What do people do to make their decisions easier?

As previously explained, humans make a lot of 'mistakes' within the decision-making process, and don't have the ability to deliberate extensively about every choice. People use tricks to make faster decisions and therefore they are nudgeable by using the same tricks in a way that a predictable outcome will occur. This is why the situations in which these tricks are important should be used to nudge, to help people to make the right choice. People are influenced by every frame you use within such situations and therefore nudging is the best option, if we agree with Thaler and Sunstein. To illustrate and make it more clear how nudges could work, I will address a few of the mechanisms that show how the automatic thinking and bounded rationality affects decisions. This is the basis Sunstein and Thaler use to create forms of nudges that can overcome these mechanisms. For example, the fact that people's choices are affected by the order of questions shows that changing the order of questions could be a successful nudge. Thaler and Sunstein (2008) address in their book 'Nudge' an insight in these mechanisms, for example: rules of thumb, being over-optimistic, hating losses, status quo bias and being sensitive to framing. They argue that these mechanisms are always present in human thinking and their main argument is that people don't have constant preferences thus that their expressed preferences derive from these biases. In other words, these preferences aren't thought of by ourselves.

Most of the people aren't able to analyse everything; therefore we use rules of thumb, things we do know, to help us to make an estimate. Examples of such rules are:

- o Anchoring: when we have to guess the population of a city we don't know, we will use a comparable city we do know. The amount of citizens of this city will determine how high or low we guess. We use an anchor, information we do have access to. Another type of anchoring is priming a subject in mind before asking a broader question. For example asking

whether or not you are happy, is quite a broad question. People will think differently about this question if you ask them in advance (for example) if they are dating. The answer on the question about happiness will most likely be influenced by the happiness about the love life, while this aspect of life didn't necessarily come up by just asking about the individual's happiness. This shows to Thaler and Sunstein that people often don't have a strong and well defined preference. By priming, for example, the subject of a healthy lifestyle into people's mind, they will be more drawn to healthier choices.

- o Availability: we estimate risks are higher when we can think of similar recent and concrete situations. People more readily decide to get flood insurance if they remember recent and impactful floods. If policymakers remind you of such disasters, you can be influenced in your decision-making process.
- o Representativeness: people use stereotypes or their images of others to compare this to other situations to get an answer. This is dangerous because it often leads to misconceptions. This same process causes people to have an image of, for instance, randomness in their heads. People often think things aren't random when they actually are, or the other way around. This can possibly have a lot of consequences. In World War II for example, people of London mapped out the bombed areas in their city. When analysing the result the citizens noticed certain areas of the city were less affected and they wrongly concluded that in certain neighbourhoods German spies were hidden. Why else would that specific neighbourhood not be bombed? The truth: The bombs fell randomly because the Germans didn't have the technique to be more precise and a couple of districts just got lucky. By showing complete information or logical explanations this bias could be solved.
- Optimism and overconfidence: It is proven that most people often think unrealistically. They are too optimistic and have too much confidence in themselves. People who marry think their marriage will never end; even people who have divorced before are convinced this time it will be for a lifetime. The fact however is that 50 percent of the marriages do end. Reminding people of for instance a bad event or showing statistics could make them assess situations more realistically, and will thus be helpful to overcome the optimism bias; Something that could be used as a nudge by showing the right percentages.
- Losses and gains. Several researches (Sunstein and Thaler, 2008) have shown that people value losses higher than gains. When losing something people are more hurt than they are satisfied

with gaining the exact same thing. An example is the research in which half of the people got an object, and the other half didn't. The people who got the item were asked how much they would ask to sell it. They asked far more money than the others would give to buy it. Making people feel that they possess something can thus influence the way people value it.

- **Status quo:** We mostly stick to the current situation. An example is that people like to always pick the same seat. We have a lack of attention, so default options are most of the time the options most people keep. This is also the case with inertia and ill-formed preferences. Having to change something takes effort, something that is often forgotten or seen as too much of a hassle to do so. This is also present within difficult subjects in which people won't really know what is good or not and in which they thus lack a real preference. This means that determining the default option can be a strong nudge. In Australia far more people are registered as donor than in Germany. The difference is that in Australia you have to opt out and in Germany you have to opt in.
- **Framing:** It makes a huge difference if someone is told that during a given medical procedure 10 percent of the patients die, or that 90 percent successfully recover. The fact that the way a message is communicated has such an impact, strengthens the idea of Sunstein and Thaler that it is unclear and impossible for choice architects to identify the real preferences of people. They are often just not that well-formed.
- **Priming:** When people think of a subject it is more likely they will do something with it. A well-known example is to ask people the day before elections if they are going to vote. By offering such a simple cue the subject of elections will be primed in people's mind and therefore it is more likely that they are going to vote. This is also possible with non-verbal cues like putting a boardroom table into a room, to make people more competitive or by making people drink hot instead of cold coffee, to make them judge other people as more likeable.

Thus, nudging is about debiasing decision-making. People are often not rational and do not have robust preferences and are prone to biases like anchoring, fearing losses and overestimation. Therefore we should gently push people towards their real preference while not damaging their freedom of choice. This could be done by using these same biases to a predictable outcome, but may only be done when the criteria of transparency and neutrality are met.

Now it is clear what nudging and libertarian paternalism are and how it could work. The question remains if and when this really is both libertarian and paternalistic. Is there indeed a way in which it could be acceptable for both?

3. How are nudges both libertarian and paternalistic?

Sunstein and Thaler (2008) argue it is easily possible to make lives better by designing the choice architecture while using nudges. They argue there are two misconceptions people use to deny this type of paternalism. (1) The possibility to avoid influencing people and (2) the fact that paternalism always means coercion.

1. It is impossible to avoid influencing choices as a choice architect. This would mean you better use this influence in a positive way by using nudges. The way a cafeteria is designed influences which food people pick, so someone in charge of the design, the choice architect, always influences behaviour, intended or not. This could be applied to many everyday things, like paying salary monthly or weekly, putting a stairway in front of an elevator and so on. Because there always has to be a starting point, it means influence can't be avoided. Especially with the fear that governments or companies only help themselves, which means they try to influence people towards bad choices, nudges are the best solution. They are easily avoidable, which is more favourable than for example prohibitions according to Sunstein and Thaler.
2. Although the way a cafeteria is designed influences behaviour, there isn't any coercion involved. Because the freedom of choice isn't harmed, Sunstein and Thaler think such types of paternalism should be acceptable. The question both authors pose is, if putting fruit before snacks makes people healthier, while both choices are easily possible to choose, why anyone should object.

These two arguments are the reason why we (in first instance) should embrace nudging. When reading fast and using the automatic system, both arguments seem quite legitimate. When using the more critical, reflective system there are however at least some subjects within the arguments that need more attention. The first explanation why paternalism should be embraced is based on two assumptions: the irrationality of humans (1) and the inevitability of influencing choices (2). The irrationality of people is related to the question if choice architects can identify true preferences or 'the real interest' and if they really nudge towards that interest. The second justification: if there isn't any coercion involved, why would you object, raises some other questions. For example the question if the intention of using people's biases to change their decision isn't already unethical and the questions how avoidable nudges really are, if nudges infringe autonomy and if nudges aren't just the same as manipulation (how transparent are nudges?). This shows these 2 simple justifications raise a

lot of important questions that should be answered before it is possible to argue that paternalism is indeed justified when you are a libertarian to a certain degree as well.

3.1 Is paternalism really inevitable?

Sunstein and Thaler argued, by explaining why humans are prone to biases, that people do not have a clear interest themselves. The choice they make depends on the situation, on the way questions are asked or subjects are ordered and even on what others do or think. In other words: because of the bounded rationality of people is influencing choices inevitable and therefore this should be used in a positive way. This argument involves both the irrationality of human beings and the inevitability of involving within decision-making. Because of the irrationality the paternalism is inevitable. Or as Sunstein and Thaler state:

“The most sensible conclusion is that people do not have robust, well-ordered intergenerational time preferences. If so, it is not possible for government to track those preferences, because they are an artefact of how the question is put”(Thaler and Sunstein 2003, p.21).

This quote is the reason why Thaler and Sunstein argue paternalism is inevitable. The biases mentioned within the second chapter show why people don't have these robust preferences. This would mean it is not possible for choice architects to identify what people would do. At the same time it makes it impossible to try to push people towards the choice they want themselves, because it will, because of the lack of preferences, still be the choice the choice-architect pushes people to make. Being aware of the many possible influences and trying to help people for their own best interest seems therefore to be a better option than denying nudging in the light of refusing to be involved in people's choices. Another conclusion is that it is impossible to avoid the effects by a non-paternalistic position. Framing is inevitable. Therefore it is better to take these effects into account by trying to preserve freedom of choice and helping people. Even if all possible information was given or should be given, this information is always framed. Information has always a certain point of view or shortly said a certain approach. There always is a frame involved. Or at least, that is what Sunstein and Thaler (2008) want us to believe.

Although I think it is questionable if nudging is inevitable, I think it is right to say that framing always occurs. There are however more types of nudges than just nudges that frame. This makes the argument non sequitur. Denying one of many possibilities does not justify the whole phenomenon. Another question is why the inevitability of steering would mean we should nudge people towards their welfare. We could also nudge them towards learning to choose for example. That way it is

possible to teach how to overcome the biases that people have in their decision-making process. Another weakness in the argument for nudging is the broadness of the definition. Nudging is a lot more than framing. When I just use framing to explain the inevitability, I could argue that everything that frames, which includes just about everything, is nudging. Framing is just presenting information in a certain way, so that wouldn't change anything in the cheap and avoidable criteria. The neutrality and transparency criteria do put some constraints on it, but when all information is provided you could argue it is neutral and transparent, even when it is framed in a certain order. So the "framing is everywhere" argument implies the concept of nudging is already all over the place and thus is useless. I think it is also a bit problematic to that, because of a lack of preferences, we should put healthy food at eye level instead of unhealthy food. Why not for example a combination of the two with accurate information about how healthy both options are. That way we could at least elaborate ourselves if we indeed want the healthy choice. This is an option Thaler and Sunstein tactically don't mention when giving the options of possibilities for the cafeteria owner. (Although it is possible to argue that adding information is already a nudge, but a less intruding one. For example the Dutch supermarket Albert Heijn (2016) started with this by placing coloured labels by soft drinks that indicates if it has a less, medium or high amount of sugar.)

So, even if we accept that people are irrational and that paternalism is in certain ways indeed inevitable, the question remains why you should use it in a way to reach as much welfare for people as possible. Why not as much rationality as possible?

3.2 Why push towards welfare and not towards rationalization?

While agreeing with Sunstein and Thaler about the irrationality of human beings, Mitchell (2005) argues that libertarians would learn another lesson from the biased decision-making. By using the harm principle of Mill, he argues that a true libertarian would only justify paternalistic policies aiming on maximizing the liberty and autonomy of individuals. The individual is independent, may choose whatever the individual wants and therefore he shouldn't be pushed towards a certain choice. These arguments create an interesting and important question: why should a nudge focus on well-being and is that focus really libertarian? To explain the argument of Mitchell we should first look at the Harm Principle of Mill.

"The only purpose for which power may be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. The only part of the conduct of anyone, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign." (Sunstein, 2014, p12)

Mitchell argues that if you accept the harm principle, as libertarians do, it enables just two interferences within decision-making: (1) Improving decisions by debiasing measures and when that isn't possible, (2) irrational liberty restricting choices should be prevented. So the default should be designed the way it will be *"least restrictive of individual liberty, while leaving mindful individuals to opt out of the default option and enter into greater entanglements if they choose (Mitchell, 2005, p19)."* This would be a libertarian push, trying to give as much liberty, not pushing towards what a planner thinks is the most beneficial for well-being.

What would this mean for the cafeteria-owner, the example Thaler and Sunstein often use? Mitchell (2005) argues libertarians do not put healthy food on eye level, but place the most tempting food at the end. This seems to be the same as Sunstein and Thaler; however, the philosophy behind the choice differs: this design is thought to keep as many choices open. Before choosing the tempting food, you will first see other options. The libertarian planner should according to Mitchell first try to debias individuals, and only, as failsafe give the default rule a try, since that is more in line with the harm principle.

Mitchell argues that by encouraging people to think of how options can fail, and secondly ask them to reframe choice problems in more personal frames, choice architects can encourage more deliberation, and can shift problems to the reflective system. Or in a nutshell: by asking people why they make choices, biases can already be deduced. This way people will learn the ability to make the right choices themselves. They will make the best decision while being conscious instead of mindlessly nudged. Even things like asking important questions in the morning instead of the evening when concentration is usually less present, or decreasing impulsive actions by placing mirrors to stimulate self-awareness can benefit the rationality of choices without making them. Therefore Mitchell argues that libertarians should help people to overcome biases, instead of making choices for them. Sunstein on the other hand contests the thought that rationalization is the only possibility for libertarians. He argues that welfare is not only possible but also better to focus on.

3.3 Why it would be better to strive towards welfare than to rationalization

Sunstein (2014) explains that Mill considers welfare as increasing your own utility and being free to live the life you want. Life can however go well in many ways, according to Sunstein. Mill argues that humans judge their lives best themselves. In a civilized society however, many decisions are already made. As Sunstein explains: we do not get to decide about the design of, for example, our cars, our streets, the mechanics of the car and where which signs have to be placed. If we should, we would be overwhelmed by the amount of choices we have to make. We do vote, we do have freedom, but many things are already arranged, and we just intervene when it isn't the way we like it. The fact that

the world is designed like this increases our autonomy. It gives us more possibilities instead of overwhelming us with choices about every single thing around us, it increases our utility and freedom.

For another argument for paternalism and the focus on welfare we should, according to Sunstein, take a closer look at the exception of Mill. He pointed out that when someone starts crossing over a dangerous bridge and there isn't time to warn the individual, it is possible to turn the individual back, without *"any real infringement of his liberty"* (Sunstein 2014, p68). Falling into the river is not what the person desires, and thus not real liberty for him. We could derive certain presumptions from this example. 1) We know the bridge is unsafe. 2) A warning does not work because it will be too late. 3) Paternalism is used to give the person what he wants. This shows to Sunstein that Mill clearly agrees with the use of warnings. The question is however how crucial the second condition is. May a choice-architect interfere in decision-making when he knows for sure that he acts with as result that the influenced person gets what he wants? Or as Sunstein asks: *"What if a warning will have lower benefits and higher costs?"* Another almost similar question is if people do promote their well-being themselves. Because of the human biases -the automatic thinking- people do make mistakes. Researches showed that people often calculate the costs and benefits before making a decision, unfortunately often not correct. When these choices endanger health or welfare, paternalists would want to interfere (which is possible without interfering in their preference scale).

Because of this difference between anticipated welfare, and real welfare you could argue that if welfare is your guide, you can argue for paternalism. Maybe even taxes can be possible when people agree themselves, like Ulysses with the Sirens, or when the case includes serious risks for health or life. However, this does not count when an error in the decision-making progress is less likely from individuals than public officials.

So, you could say that when a not followed true interest with real consequences can be identified it must be possible to intervene. That way someone will be helped to achieve what he or she wants to achieve by debiasing the decision-making. Mitchell is right that this can also be achieved with measurements to debias humans. But if people always have their choices maximized, and always have to be as informed as possible, and as debiased as possible, life would be dominated and swallowed by a chain of decisions. I don't want to argue that it isn't the case now, just that we give the decision making on a lot of subjects to others. I doubt if people are able, and are willing to deliberate about everything. Or as Thaler and Sunstein (2008) argued: active choosing is forcing people as well, you force them to choose. (Although this still is a very weak argument). I think very strict libertarians will not agree with soft paternalistic interventions and neither with Sunstein's

argument about the exception. The bridge is an example that implies real danger. You simply die when daring to cross, and it is explicitly stated that the warning will be too late. The examples Sunstein used for nudging aren't often this strict and aren't restricted to warnings. A warning is for example something quite different than a default rule. Therefore it is a bit problematic to accept nudges on basis of an argument for warnings. Especially because the harm principle is originally intended by Mill to explain what you may or may not do to others. Now it is used as an argument why someone could or could not accept being nudged, which makes it non-sequitur. It could be interpreted as determining by the harm principle what the government may do to its citizens. The government may intervene when people would be really harmed if not stepped in. Maybe the less strict libertarians would agree with this interpretation of the exception. This is probably a more achievable goal to strive for than to convince all libertarians, but in this case it may be a bit problematic to call it *libertarian* paternalism. Paternalism and libertarianism are different schools of thought for a reason. Although if consensus between the less extreme ones could be achieved it would already be an interesting and promising result.

This fact, that both libertarianism and paternalism are very different schools of thoughts that are difficult to compromise, is something often mentioned in the literature. Especially when you look at the intention behind nudges: pushing people to another choice. If you intrinsically believe that such an intention is wrong, accepting a nudge will never be possible. Therefore some people argue you shouldn't try to justify the libertarianism of nudges. They argue that you better judge nudges from a political point of view (f.e. Guala and Mittione, 2015). You should review whether or not the nudge is gentle enough in comparison with the costs of freedom with the aimed effect taken into account. If there is almost no harm, it should be acceptable for those who aren't focused on intention but rather on the consequences. This is also argued by Sunstein and Thaler when they proposed the cost benefit analysis to determine the aggressiveness of a nudge. However, it is important to note, which they did not, that such an explanation will only be accepted by those libertarians that judge consequential. On the other hand there will be a discussion for paternalists as well, because if you believe people should be helped and prevented to do certain things, and you don't prevent but only try to push them gently towards a better decision, hard paternalists could have the feeling you aren't doing enough. So it is important to note that only a limited marriage is possible between these schools of thought. That between the soft paternalists and the libertarians that are willing to do a cost-benefit analysis and won't judge purely based on the intent.

3.4 Can the people's interest be determined?

Another important libertarian point is about judging people's welfare. Mitchell (2005) argues, as a libertarian, that it is impossible for third parties to judge about choices and the life of others. An individual's preference can have a lot of reasons and rankings, which makes it subjective. The only thing possible is to judge on basis of revealed preferences if someone did maximize his subjective welfare utility. Better health seems to be a widely accepted goal, for; however people can value a more pleasurable life above living longer. This would suggest other decisions beside solely the healthy ones, and thus another preference scale. This implies that it is difficult to intervene within the choice making of individuals for their well-being. You only know for sure what is in their benefit if people explicitly elaborated on that and if they even know it themselves. This is also argued by Rizzo and Whitman (2009), who even state that if you accept the fact that people are irrational, as Sunstein and Thaler do, you can't justify nudging because of that irrationality. How should the planner, who lacks the rationality for true preferences as well, know the preferences of others who even don't know it themselves? Isn't the planner just using a choice-set as well with what he THINKS is the most rational? And continuing on this; which choice is the most rational for health then?

Sunstein (2014) argues that because of this, libertarian paternalists have to elaborate well on their arguments. For example wearing helmets increases the well-being of people (more likely to survive, not that problematic to do), and the health of the population, no matter how diverse the population is. This means it is possible to think of nudges that do fit all. Although I prefer saying 'more' instead of 'all', since people can have a lot of motivations. Libertarian Paternalism does still allow people to go their own way by having relatively easy opt-outs to overcome forcing people into decisions they don't want. Nevertheless Sunstein does acknowledge that paternalism could be better using more personalized approaches. Imagine for instance default rules depending on available information: a personalized default-rule. This could be the future since it solves the problem of not knowing of a nudge really is in someone's interest. However, this approach has a lot of potential problems as well: how to collect such information? What about privacy? It could be possible to categorize nudges within age scales, social economic status, and similar types of basic information, but it is still information people might not want to be used for influencing choices (unless they recognize their biases and agree with the intervention).

Sunstein (2014) acknowledges we should deny nudging on rule consequentialists grounds. What if governments are seriously biased or have evil intentions? Or as Mitchell and also White (2013) asked: Why should Thaler decide that eating a muffin isn't in your interest? He doesn't know what's in your interest. It's the choice policymakers want you to make instead of our true interest. Sunstein and Thaler (2008) however argue they are still respecting the personal differences because nudges have

to be easily avoidable. This condition makes nudges libertarian and should dismiss further objections. It has to be possible to opt out from nudges and therefore freedom isn't harmed and that means the differences have been taken into consideration. This also partially overcomes the problem of officials being influenced by private interests. Another important thing for nudges is the goal to be transparent which will also serve to overcome these troubles. Nudgers should be able to defend their nudge in public. It must be possible to monitor them as Thaler and Sunstein (2008) argue. Most of the proposals Thaler and Sunstein would argue for are designed to make it easier for people to have the information they need to make the best choice. It shows how much of the service they use, and what they pay for it. For example how much electricity they use on a certain moment and how much it will cost. By showing the effect of such policies Thaler and Sunstein hope planners realize their power and will be careful with it. A noble idea and a positive addition, but it doesn't make nudging intrinsically libertarian and good. Even with the opt out that serves as a safeguard. Measurements like fuel labels and warnings are visible and transparent and should not be a problem. Also, mentioning f.e. the amount of calories can cause a lot of debate and making people aware of the risks. However, isn't the impact of default rules considerably larger? It is true that because designs can't be avoided, you better promote deliberation. As long as initiatives are transparent and can be defended publicly there should be no problem according to Thaler and Sunstein. We have to search for helpful nudges and avoid the harmful ones by identifying what people want. This can be difficult but Sunstein argues: *"We are welfarists, and if we seek to make people's lives better and longer, we should take behavioral market failures seriously."*

I think Mitchell and White are right that nudging does involve serious risks. It still is influencing people's choices, or as Sunstein and Thaler frame it: debiasing people's choices. How do they know a decision was a biased? How do we know they really help us, and do not falsely assume that we are biased, or even act with a hidden agenda? Libertarians do have a point: this could be dangerous and shouldn't be done. Or as Hausman and Welch (2010) argue: changing people's control over their evaluations to change their decisions is paternalism. If you use it for a positive or negative goal doesn't change the fact that you try to change control. Therefore they argue only rational persuasion is possible for a government who respects its citizens. Another example to make nudges justified is by creating possibilities to stop yourself from temptation. For example placing yourself on a banned gamblers list when not in the Casino and not with the temptation involved yet. So that when the temptation is there, you have protected yourself rationally. It is important to note that this intervention should be initiated by the people themselves. A solution that could make nudges more justifiable, but maybe also a solution that wouldn't occur much and would therefore not have a lot of impact. That lack of interest would –maybe– show that people do not want to be helped.

To nudge or not to nudge?

When judging about nudging, the influence on autonomy does make a huge difference. If autonomy isn't harmed or even helped, it doesn't sound that problematic to me. But I am not a deontological libertarian, which makes an important difference. To me it appears to not be a problem to give people more information to become more self-aware. Something that is agreed upon by many others. But, even about default rules you could argue that they are not blocking freedom, although the intention is of course to influence people's own behaviour. So, if you care about the intention you can never agree about nudging. If you care about consequences it is possible to agree when the result is indeed the real interest of people. There is however a boundary. Imposing default rules and making it very difficult to opt out, isn't just a harmless intervention anymore. Not for autonomy, and not for being safeguarded from manipulations. This would still be freedom because you can still opt-out, but everyone knows that in the real world a lot of people won't do or can't do that without much effort. That is exactly what makes nudging so difficult to judge. Even after all those pages of discussion about nudging, there isn't a sharp boundary of which nudges are acceptable and which aren't. Only the criteria of transparency and neutrality count. You could try to do a cost-benefit analysis, which will however still give a very personal outcome. The government could agree with a lot more intervention for the common good than I do.

Examples like campaigns trying to decrease litter by linking pride of the country with keeping that country clean, or a fly in a toilet to make people try to pee on it to keep the toilet clean are examples I see little harm in. Even putting unhealthy food out of sight sounds better than forbidding it, but even then, it is still my choice if I want to eat unhealthy food. Why should it be made more difficult to supposedly help me? Is that in my interest? And if I really believe I shouldn't eat fast food, should I not be helped (if I ask for it!) to make that decision myself, even when I see fast food everywhere? Both interventions however appear quite harmless, although the litter campaign and the fly aren't about influential decisions about life. It is about throwing something away and where you focus on when peeing. Nudging stays a complicated concept of which judgement will be different for every person and every subject. Eating healthy or not already has some more influences on life and we could also think of for instance the default rule for organ donation. Should they decide about my body even when I am too lazy to change it? Is it harmful when they do and how far will they go?

As can be noted, another important factor in thinking about nudges is people's autonomy. Adding the autonomy can be helpful to make judging about nudging less complicated. Harming autonomy seems to be the most important point on which nudging could be denied. Sunstein (2014) however argues that nudging doesn't harm autonomy, it would even increase it.

3.5 What about autonomy?

Sunstein (2014) argues that people do welcome nudging, as long as they are aware that they are biased. If people know that nudges help them to achieve their objectives, and are willing to recognize that autonomy shouldn't be such a problem as libertarians suggest. When they agree with the intervening, autonomy doesn't seem to be harmed. We can even take it a step further: because of the amount of decisions we have to make, we are better off if others do make some of them instead of us. Having to think about every step in life would simply overwhelm us as Sunstein argued. This of course only counts as more autonomy if we are able to make another choice when we desire to. When applied, this would mean autonomy is even higher when nudging occurs. If nudging is possible when you value autonomy depends however on the way you value autonomy.

Sunstein categorizes autonomy in two categories:

- The thin version: Freedom of choice can be used as a significant factor in our welfare calculus. This means that a loss of autonomy can be compensated by a gain in welfare. With this definition soft paternalism seems acceptable by doing a cost-benefit analysis. If the nudge has small consequences for autonomy and a lot of gain for welfare, it seems to be justified by the compensation for the welfare calculus.
- The thick version: Freedom of choice is of high value and human dignity is even more important. Humans should be able to do whatever they want even when this will eventually harm them. Autonomy is in this version therefore seen as an independent factor that can't be compromised.

If we have to accept the thick version of autonomy, there isn't much room for discussion about libertarian paternalism. Nudging is only possible when autonomy is not harmed, no matter what. A gain in welfare doesn't justify a little less autonomy, no matter how much gain it is. According to Sunstein (2014) however, it is possible to accept that only strong reasons are acceptable for the government to interfere within autonomy. He argues that nudges are not the same as insulting. Do nudges interfere with autonomy? Does for example a GPS interfere? Does a government use people as means when it sets default rules? His answers are predictable: he argues the thick version of autonomy maybe shows that it is indeed sometimes better to argue for active choosing (which is also seen a nudging) instead of setting a default rule. But, what if subjects are too difficult, a case in which active choosing will cause more burden than benefit? And what if a lot of errors can be avoided with default rules? Within this kind of questions, well-being should matter according to Sunstein (2014). People speak in terms of autonomy. But according to Sunstein they are talking about well-being. He sees autonomy as a heuristic for well-being. *"People speak in terms of autonomy, but what they are doing is making a rapid, intuitive judgment about well-being."* He states that when autonomy is

ensured, well-being is generally promoted as well. But Sunstein thinks it's better to focus on welfare directly, which makes autonomy not an independent argument anymore.'

This argument sounds very absurd to me. It is obvious that someone in favour of nudges, a soft paternalist, thinks that autonomy is useful for welfare, and just a heuristic. If they thought it would be an independent factor they could never think of interferences. It is even more obvious that Sunstein has the feeling that people are talking about well-being instead of autonomy, because he is a paternalist, he does value this kind of issues in another way. The chance that a true and strict libertarian, who agrees with the thick version of autonomy, would actually agree seems slim to me. It is difficult to create a combination of two schools of thought if you are not looking at a subject from both points of view. For example Fateh-Moghadan and Gutmann (2014) do point out that autonomy also means the freedom to make irrational choices. Increasing rationality would be admirable, but autonomy should never be infringed. This creates a very difficult boundary between increasing rationality and autonomy. However, the question with nudging is, if nudges always push to the most rational outcome. There are a lot of situations in which multiple decisions are rational; it just depends on which parts are valued more or less (for example healthcare treatments and certain chances etc.) How could you justify a nudge within a specific direction then? It is not as easy as Sunstein wants us to believe.

Luckily Sunstein (2014) does acknowledge this himself, and therefore he thought of some extra arguments. He argues that the existence of choice architecture enables us to make a lot less decisions. When we had to choose about everything we wouldn't do anything else besides that. The choice architecture enables us to live our lives without thinking of everything. We are free to opt out in many cases, which ensures our freedom, but we are able to focus on the issues we care about the most. It is about a lack of time, attention and interest.

Because of this Sunstein argues that nudges don't need to be denied. Warnings and information are certainly reasonable, but default rules should not be off limits. At least if these reflect the choices people would make if they were the most reasonable themselves. As long as the freedom of choice remains intact autonomy wouldn't be harmed and irrational choices will be possible (Sunstein, 2014). Examples of this kind of nudges could be using disclosures and default rules. Nevertheless Sunstein still believes that, when the benefits are far higher than the costs, even harder measurements like food safety standards and prescription-only medicines should be allowed, as it is a response to a market failure and is in people's best interest. If libertarians are willing accept depends on how libertarian they are and the real impact on autonomy and freedom of the nudge. You could argue that needing a prescription is limiting your choices, at the other hand it is still available as a choice, but just needs some more effort.

3.6 What about the learning effect?

A problem in the light of autonomy Sunstein and Thaler seem to ignore, is the fact that people learn from their choices, and their faults. This is clearly addressed by Van Hees (2009). He argues the view of libertarian paternalism is quite one sided: it focusses on just one part of liberty: the specific value of liberty. This is about the amount of options you can choose from. Or more specific: the highest value of liberty is the value of the option you like the most. Being able to choose the most favorite dish at dinner gives a high value of specific liberty. This value is real when we do choose the best option, which is, as Thaler and Sunstein (2008) argue, often not the case. Libertarian paternalism should help us with nudges by making the right choice to have indeed our specific value liberty maximized. This seems legitimate and fair however, there is also another form of liberty: the non-specific value of liberty (van Hees, 2009). If libertarian paternalism isn't paternalism, this freedom shouldn't be harmed either. This liberty consists of three dimensions:

1. **The expressive value.** We express ourselves with our choices. These choices are part of our identity. The fact that we are free to make choices affects our identity as well: it recognizes that we are responsible and can make decisions ourselves (van Hees, 2009). Having the freedom to choose also gives the freedom not to choose, which means that when we DO choose, we are more responsible of our choices, because we didn't have to make that one and thus were aware that we made it.
2. **The symbolic value of freedom.** We value our freedom of expression high, but don't use most of this freedom to that much. We can be very angry when people aren't allowed to write opinion pieces in newspapers, without ever writing one ourselves. Another example is being angry that homosexuals can't marry, without necessarily being a part of this group. The fact that you are free to do so is what is important (Van Hees, 2009).
3. **Educational value.** When we make specific choices often, we will improve our skills in making the right choice. People learn from their mistakes and to be able to learn they should be able to make those mistakes. Besides that: by making choices individuals learn to use information, arguments, how they deliberate, it affects, according to van Hees(2009), not only individuals also the innovativeness of society will increase. Society improves with mistakes as well.

By using nudges to make people choose automatically the better choice the expressive value of liberty will be affected according to Van Hees (2009). The choice won't be a well-considered decision, Being a donor in a opt-in system will give more worth than being donor in opt out. However: it will only have an effect on people who already had made the 'right' decision themselves according to Van Hees. On the other hand it will only be relevant when it is about important decisions, like choosing a school. Which food I choose doesn't have to show my identity (though it is certainly possible, vegetarianism for example, but not affected with nudging, unless when we start nudging not eating meat). Also the symbolic value of liberty will only be affected for the homo economicus or 'econs' who already choose the right thing, the government shows they don't have the faith in these individuals that econs are able to make the right choices themselves, while they do (Van Hees, 2009).

Nudges seem to be the most dangerous for the educational value of liberty. When we don't make faults anymore we won't learn from these mistakes either. Now Dutch people don't have to fill in their tax reports anymore, therefore they will be less involved in the process, and will have less knowledge about how it works. Van Hees argues that nudges do not harm the non-specific value of liberty if it is used in relatively non-complex situations like donorship which can be answered by yes or no or choices, or choices which are only made infrequently, like a pension plan or mortgage plans. Further Van Hees advises that nudging is possible in situations in which people themselves don't have that many priorities and that it shouldn't be used in issues in which just certain groups are involved (to overcome stigmatizing). The most important part is however that it should be used in situations that aren't complex or are incidentally. Otherwise people's autonomy will still be harmed, because they have less freedom and will be less able to make certain choices themselves. Rebonato (2009) even calls libertarian paternalism and nudging hard paternalism because of this. You manipulate people instead of teaching them to make choices themselves.

Sunstein (2014) does agree that people learn by choices. He acknowledges that when people are steered into a direction they won't be very conscious about their choosing, which means learning will be less likely to occur. A solution could be to make choosing inevitable: active choosing. This is however nudging as well. Mill also argued that judgment and mental activity will improve when used, both of which are involved with active decision making (In Sunstein, 2014). With default rules this will indeed be less likely, but still possible. Also Sunstein acknowledges that it depends on the subjects involved. For example: how much can you learn from a wrong pension choice? It would be too late to solve.

Nudging?

To summarize a bit: Nudging isn't something inevitable. Actually, if it would be, every choice-architecture would be nudging, what seems quite pointless to argue for. It is true, that the way our society is designed does influence our behaviour. However, it doesn't imply that we should use that fact, especially not in a way to promote welfare. Mitchell is right that it would be more libertarian as we used it to give as much liberty as possible. But I think Sunstein is right that we don't have time for that either. In fact, nudging can help us to be more autonomous. As long as manipulation is overcome by having opt outs and being transparent and neutral. However, Van Hees (2009) did add rightfully that the choosing itself and the fact that it is possible, also have its value. It is not only the freedom of choice that counts, also our capability to use that freedom. To add that nudges should preferably be used in situations that do not occur often to keep the learning aspect intact seems reasonable. I'm not sure yet about the statement that nudges should be about simple options. Like donation organs. Wouldn't nudges (default rules more precisely) be more useful in technical and difficult issues? It is indeed questionable if in these situations people are really free to opt out (Mitchell, 2005), because they lack decent judgement, but if you value welfare the highest you should be able to accept that. It could also be possible to ask in this kind of situations, like for example the tax-forms, if you want to be helped by making filling it as easy as possible, or if you want to learn extensively how it works and thereby having to fill it in yourself (with some help). What will be acceptable will depend on how libertarian or paternalistic you are. This degree of libertarianism or paternalism is also important because a marriage between the two will only be able when both are willing to move a bit to each other and when both are willing to look at the consequences instead of intentions.

I think it is useful to elaborate a bit more on whether nudges infringe autonomy or not and if they do change preferences. Bovens did write a clear article with situations in which it can and can't be responsible to use nudges. This can help identifying if libertarian paternalism can be libertarian and seems quite fair to me.

3.7 In which situations is nudging desirable?

Bovens (2009) identifies six types of biases that nudges can try to overcome. These are quite similar to those of Sunstein and Thaler:

- Ignorance: Many policies and issues need quite an amount of technical knowledge. People do know their goals, and what would increase their well-being, but they lack the expertise on for example retirement plans and medical treatments to realize it themselves.

- Inertia: People are often well aware that another decision would be better for their well-being, however they are absorbed in other activities and tend to forget to change situations (or they are just lazy.). Keeping everything the same is the easiest option. This can be seen by contracts that aren't stopped.
- Akrasia: We know what is best, but we experience weaknesses in our will. For example because we are influenced by temptations. Or when we do have long term goals, but do choose for the short term benefit, like time or money now, instead of in the future (pension plans).
- Queasiness: We feel queasy by thinking or deciding about the subject. For example deciding about a life insurance and organ donation. There exists an emotion cost, although you are fine with the decisions.
- Exception: When it is known that people experience regret after a certain choice and another choice would give greater satisfaction in the end. When there is evidence that people often regret a choice, like for example abortion, you could try to nudge towards another choice.
- Social Benefits: When choices of individuals aren't beneficial for society. Illegal taking wood from the Amazon-region isn't beneficial in the end, but unless the individual who earns his bread finds an alternative, it will not be in his benefit to stop doing it. Nudges could help to overcome prisoner's dilemmas as well.

Bovens argues that with the last two categories nudges push you to a choice you wouldn't have thought to be in your interest. The question is if you changed your preference, or are just pushed into a choice you don't really want to make. On one hand you choose it yourself and for example you are saving more money for your pension now, which you didn't know you wanted. On the other hand: it was already your best interest, you only weren't that reasonable about the preference structure. You were biased as Bovens argues. Can preference structure be changed by nudges then? It is possible that certain choices become a habit. When you choose healthy food you can shift your standards to being a healthy person, wanting healthy food and that way Bovens thinks your habit could be improved.

For ignorance, akrasia, inertia and queasiness are nudges already considered to be in line with the individual's preferences. They only didn't act like that because of one of these reasons. Nudges on basis of these categories therefore do not change the preference structure, they just solve that people were biased. Maybe it becomes easier to make the right decisions in light of the structure, but it isn't changed. So is nudging helpful? Bovens argues that nudging seems to have short term successes, but that long term success is problematic. People still have to make their own decisions to be aware of their arguments. Nudging could decrease responsibility. It is however also possible that we do change our preference and start liking to be healthy, which will have a long term impact as well. However Bovens fairly notes that there still remain a lot of grey areas around this subject which should be taken care of.

Because of this Bovens comes up with a few suggestions:

- Nudging is less worrisome when it is in line with your known preference structure, which is the case with ignorance, akrasia, inertia and queasiness.
- Nudging is not that desirable if choices do not hold when there is no nudging. People can be confused why they choose otherwise. On the other hand: changing preferences with nudging doesn't sound very autonomous either.(Bovens,2009) This could be solved by the argument of van Hees that nudging is more desirable when choices don't have to be made frequently.
- Choice architects should be careful that people stay capable of choosing themselves in their preference structure as well.
- Nudges have to be transparent *"such that it is in principle possible for everyone who is watchful to unmask the manipulation"* .
- The more pressing the problem is that the nudge tries to overcome; the less problematic the counter arguments seem to be. Nudging towards healthiness seems to be more permissible in America because of the obesity than in China.

So to be libertarian and paternalistic, a nudge is a behaviour steering intervention within the choice-architecture to make it more easy for people to choose in their real interest in the light of welfare. This intervention may not be manipulative and has therefore to be transparent and neutral and focused on the (paternalistic) objective good. On the other side, autonomy has to be respected, as

autonomy is seen as the freedom to make your own choices, value certain choices and being recognized as able to make these choices. Therefore nudges should preferably be used only when people aren't able to learn from their mistakes, or for issues which are less frequent or very technical. Nudges thus have to be increasing or holding a status quo in autonomy to be accepted by libertarians. People should be helped to choose their own preference. This could be in situations like akrasia, inertia and queasiness and in issues with a lot of ignorance. So if you use these conditions to identify the impartial good, paternalists and libertarians could agree. You try to improve the wellbeing of people by debiasing them and on the other hand do preserve or increase autonomy.

3.8 What about the marriage between paternalists and libertarians?

Based on previous sections we can conclude two important things nudges do consist of. 1: it is possible to determine what people see as in their well-being. 2: nudging is only possible when people's autonomy isn't seriously harmed. Therefore it should be possible for (not too strict or deontological) libertarians and paternalists to accept nudges. It should however be noted that as for example van Hees (2009), Bovens (2009) and Hausman and Welch (2010) mentioned, it should be not just the choice-set which should be cared about. Choosing implies learning and when making decisions it is important as well that you make choices willingly, rationally and thus have the knowledge to make them and the knowledge to learn how to make the 'right' choice. Nudges therefore shouldn't be used for everything and always, as tempted that may seem to be. For small things that do not infringe serious life choices, like the toilets on Schiphol or the speed manipulation on the highway, nudges are a quite interesting solution. Even changing the default for organ donors to yes instead of no is a small change in the choice-set with huge results for the common good (although that already causes a lot of discussion because you decide about somebody's body, so it will only be acceptable for those who are willing to judge on the consequence).

Nonetheless, when you want people to become healthier, putting fast-food out of sight is a solution, but not a constructive one. It could help, but it should be considered whether or not it's truly in people's best interest. Maybe education is fairer and more useful, although it will be difficult to convince people of that point of view (and to make them use it with all temptations involved). The criteria of Bovens seem to apply decently. He is not wrong in that it seems to be culture-dependent which nudges are acceptable. We should however be careful with arguments like: nudging is better than forbidding. That doesn't make nudging justified itself. Thaler and Sunstein are right that it is possible to come up with nudges that do apply to libertarian and paternalist standards. It would however be better if they really mention what kind of nudges that would be. That they would create a boundary instead of a term everyone can fill in as they like. That way nudging seems to be more a

method to justify (innocent?) manipulations and pushes that the government can use, than that it really is a way to help people to act more in their well-being. So nudging seems to be acceptable for both, but not as broad as Sunstein and Thaler discussed it to be. Meaningless decisions, decisions you have to make once and that are very complicated, decisions that overcome akrasia and inertia can indeed be nudged. Even introducing an opt-out system for organ donation sounds as a good nudge, but only because it has significant influence on the common good, and thereby maybe for your health as well. At the other hand it almost doesn't harm your choice-set. The question that still remains is however, if it isn't the practical value, the nice sounding solution for the lack of donors, and the small infringement on choice with good consequences for the common good that makes people accept it, instead that it really is a libertarian solution.

Another problem is the fact that a lot of different actors try to influence people to do certain things. From buying stuff and food to undertaking other actions, marketing is everywhere. Especially because of that it seems to be better, as for example Rebonato argued, to be careful with nudging and to teach people to rationalize, to tell them for what they are sensitive and what kind of pressures are used on them. I do not think this will rescue people from manipulation but when there are as much nudges as pushes from less well-being-minded parties, you won't achieve much.

So we can conclude that nudging is possible and that it seems to be acceptable as well. Maybe with a lot of notes, but it is possible. The question remains: how should this look like when used practically? We've seen many different usages from government policies but is that the only way to use nudges? An interesting and new field to investigate for the usage of nudges is the media. Especially because of the power of this actor in society and the fact that the main goal of media, bringing messages in a certain way, always is a choice connected to the use of frames and primes. Could the media nudge and should they?

The media is a case of significant importance because it can have a lot of influence with nudging. It serves many different people and is seen as an actor in which freedom and fairness is very important. There do exist many rules and codes about freedom of press, fairness of press and so on, and especially in Europe, where the press becomes to be partial or paternalist, there will be a lot of critique. So testing if nudging could be applied and should be desirable by that actor is a good way to test libertarian paternalism. Besides that, the media strives to be as neutral and impartial as possible. That strive seems however to be impossible, that makes it interesting if nudging is a desirable concept that media should strive for.

4. Is there an acceptable and possible way for the media to nudge?

Now we know what nudging is, and that there is a possible way to accept it, the issue whether or not we could use it practically becomes more interesting and discussable. There are a lot of possibilities in many different fields. In the literature nudging is mostly researched in the field of healthcare. For instance how to use nudges to make people healthier, but also if nudges could help people to choose more easily between different treatments. However, I wonder if there is space to nudge within the field of the media. Media are considered to be powerful actors in our society and almost everybody is connected to them. Yet in the literature about nudging, the media isn't mentioned at all as a possible nudger. Many campaigns use the media to spread the message they want to sell, but what about nudging *by* the media? Do the media themselves try to nudge within their messaging? The way a message is communicated directly influences decision-making as is explained by the importance of for example frames and primes. Constructivists (Danesi, 2004, Hall, 1997) even argue that language has a massive power that embodies social relations and steers interpretations of reality. Language isn't objective and by using it, people do influence others. When thinking of an institute that uses language as the main tool and makes a lot of choices in which words to use, you almost immediately think of the media. When reading about nudges many different kinds of biases and nudge possibilities are mentioned, of which framing and priming are two essential elements. Framing and priming are two processes which are highly elaborated on in the field of media as well. These processes are often even mentioned as inevitable in the media, because when communicating a message, you always have to think of a frame, always have to choose between subjects and which place and amount of attention it gets. Should the media ignore the fact that they always frame and prime, or should they use that realization for better purposes like nudging?

In other words: is striving to nudge desirable for the media? Is there an acceptable and desirable way to do so? Maybe nudges could be a way to stop aiming at the impossible objectivity by starting to aim at maximizing well-being and autonomy.

When talking about media I'm mainly talking about the older forms of media, like television, radio and newspapers. Although nudging within social media could be very interesting, I focus only on those classical channels that broadcast themselves, unless I specifically indicate otherwise. When a medium is open and could be hosted by everyone, like social media, it is difficult to connect nudging to it, because nudgees will be nudgers and vice versa. Everybody could nudge, everybody could choose not to. It is difficult to define or even grasp such a concept within such broad and interactive channels.

Hallin and Macini wrote in 2004 that most literature about media is heavily focused on the media system of the researcher's home countries, while conclusions are falsely generalized to the media of other countries as well. Hallin and Macini examined many western countries and came up with a typology of three different systems in the Western world. They distinguish the Liberal model, the Democratic Corporatist model and the Polarized Pluralist model. In a nutshell, the liberal model is applicable to countries like England and the United States. In these countries the media is quite commercialized and has almost no legal framework that they have to respect. The democratic corporatist model is applicable to countries like Germany, The Netherlands and Belgium and is characterized by a more active role for the state that makes the media more legally bounded but also demands self-regulation. The polarized pluralist model is applicable to countries like Italy and Spain and, in comparison to the other two, is most influenced by the state and has less development and commercialization. I will try to make some generalizing conclusions, but I am aware that there are significant differences between the three systems and therefore want to note that within this research my focus will specifically be on the democratic corporatist model. Many of my examples originate, just like in the first part of this paper, from The Netherlands. This democratic corporatist model also seems to be regarded as the most 'neutral', as in choosing the middle ground, which makes it the most interesting in the light of nudging, in my opinion. A characteristic example of the difference between the liberal and democratic corporatist system is the news in the United States and the news in The Netherlands. In The Netherlands, news has to be neutral, while in the United States FOX News for instance, is founded by a republican who was convinced that the news at that time was too left-oriented. Research even exists covering if there is such a thing as a 'FOXnews effect' that increases votes for the Republican Party (DellaVigna, Kaplan, 2006). I think this makes it perfectly clear why prudence is essential when generalizing conclusions from one system to another. For this same reason it has to be noted that I focus a lot on public broadcast instead of the commercial ones. The reason for this is that the public based parts are easier to introduce to a concept like nudging. The goal of public broadcasts, on which will be elaborated on later, is closer to nudges and more related to the government's ability to ask for certain policies. Commercial based broadcasts could welcome nudges, but are mostly focused on profit and marketing over the well-being of people, which will mean that nudging is possible for everyone who buys some airtime, or according to the agenda of the broadcasters themselves.

To determine if nudges are a desirable way to overcome the objectivity-issue I will first address (1) why media is such an important and influential factor and (2) why it is impossible for media to be objective. After that it is crucial to address (3) if there is space to nudge within our society. When

these questions are answered it is possible to (4) elaborate meaningfully on the desirability of nudges within media.

4.1 Why is the media important and influential?

Since the 1920s a discussion exists about the influence the media has on people. Whereas scientists started to view the media like a gigantic needle, injecting ideas and opinions in people, a lot of paradigms have passed since (Neuman and Guggenheim, 2011). So added Lazerfeld (in Neuman and Guggenheim, 2011) the influence of social networks to the field of communication. He invented the two-step flow theory which states that early adopters influence the other people in their social network, instead of the media themselves. Gerbner and Neuman (in Neuman and Guggenheim, 2011) added the cultivation theory. A paradigm that argues that people's worldview is shaped by watching television. This would mean that the ideology of messages matters. The question whether media has influence or not moved and continues to move back and forth like a pendulum from a lot to almost no influence at all. It is nonetheless a fact that many people are using media and that messages do have a lot of exposure and thereby probably also impact. The debate about the influence of media and which paradigm to use doesn't become less complicated with time. The rising amount of, for example, new media: the social media and the countless different sites and networks that the internet offers us, doesn't make the field easier to grasp. Also the amount of new media channels, like more television channels, programs and vlogs, where you can find news, information and opinions, raises the question if there is still influence of media. It even raises the question if new theories or paradigms about the influence of media are needed. For example Bennett and Iyengar (2011) question if people aren't just selective and pick the messages they want to read, and thereby only the messages they agree with. This would mean media are not that influential anymore: we pick what we want. Media would only reassure people of their own opinion, because of this selective exposure they only read that which confirms their existing view. On the other hand Holbert (2011) argues that reinforcing an opinion is influence as well. This would mean media still has significant influence. He has some interesting questions like: are effects of the media only found in, for example, newspapers or tv-news? Aren't there also worldviews, news and critical analyses in programs that are considered to be watched for fun? For example The Simpsons and South Park, but also late night shows like The Tonight Show. These are often not just chosen for the similar opinions and are watched by a range of different kinds of people. Therefore Holbert does question if media really has almost no influence. Thus the disagreement still continues in 2015, 2016 and probably will go on for many years to come. This means that not only the influence of the media remains an interesting field to investigate, but the methods used could be just as interesting. The media is often considered as a powerful way to spread the message and although it isn't clear how powerful, it is still a very

fascinating and probably an impactful field to examine. Therefore the concepts that could be used by the media are also useful to elaborate on.

4.2 Why can't the media be objective?

The main task of the media is to inform us about, for example, news facts, to critically review the political developments, but also to provide research, amusement and a platform to enable people to express themselves on (Van Cuilenburg, Scholten & Noomen, 1991). Journalists are always busy with thinking about which subjects should be covered, how to approach these subjects and, at least as importantly, how to present them. Which words, which sentences and which framework should the article consist of? Within media, language has a prominent place. An interesting view to elaborate on, in light of that, is that of constructivists and their statements about the power of language. Language would have a constructive power and as a result the media as well. Or, when stretching this broader: it is impossible for the media to be objective because of the many choices they make: which words to use, which context is presented, and which connotations should be activated. In short, language will always give a certain framework because the words you use steer to a certain interpretation (Danesi, 2004). A word, X, stands for the definition Y, but Y also consists of many other interpretations. Like green stands for a colour but also for sustainability in another context. The meaning of these X's are seen as shaping an own reality. The meaning is a social construct in a society or culture. The language you use and the words you choose will determine the context in which an interpretation will be formed. The words and context you choose are thus very important to steer meanings to a certain context. As Bauke Prins (2011) argues, social relations are dependent on how we speak about them, how we interpret them, and which meaning we give to it. This is of course dependent on other factors as well, like history and culture, but those two are also explained by our language and interpretations.

This means that how the media speaks about a certain event or person will (amongst other things) determine how we look at it, how we handle it and how we think about it the next time. This means it is very difficult or even impossible to be objective. The media does not only choose which subject will be elaborated on with and with how much attention, they even use a certain framework to put news in and also choose words with specific connotations. Our interpretations are steered, our original interpretations of certain words can be changed. It is as Fiske (Hall, 1997) argues that meanings come forth of frames. A painter sees if the paint is colourful, a construction worker will look if the wall with the paint is built as it should be. His reality and what he notices is different from that of the painter. It is like walking around with a map and looking for reference points, or walking around with the game Pokémon Go and looking for so-called 'pokéstops'. People will see a whole other reality because they are focused on different aspects, or the same aspects with dissimilar

meanings. (You won't see a yellow building that seems to be very aesthetic, you will see a yellow building that tells you that you are on the right track or that there is a huge chance of Pokémon being around). This power of language goes far, it is not only as Prins argues determining the next interpretations of certain subjects (and thereby thoughts), it can also be very important for self-image, recognition and even the participation of people within democracy. Within the research about media, framing and priming are particularly elaborated on. Not necessarily on the level of the use of words, but more broad and in general. So could a negative approach on, for example, refugees lead to misrecognition, the feeling of being worthless and with that a lack of self-identification. It illustrates that we should be careful with our words, frames and opinions.

The interpretation of the constructivists shows that media also shapes our reality: a certain kind of reality. Nudging could be a possible way to overcome this problem of the media, which is supposed to be objective, but on the other hand the fact that it is impossible to do so. By agreeing to steer towards people's best interest, it would be clear that media steers, and more importantly in the 'right' direction. Or as Sunstein himself argued in favour of nudges (one of his main arguments even) why should you object to nudge, which steers people in a good way, while steering is impossible to evade. With framing and priming the media has the mechanisms to steer, which is also elaborated on in the research field of communication.

The framework the media creates

An interesting paradigm for nudging in the media, is the one that researches agenda-setting, framing and priming. Especially framing has a lot of similarities with the view the constructivists defend. This paradigm, started in the 1980s, 1990s and is also called the paradigm of the 'negation models' by Scheufele and Tewksbury (2007). It is one of the latest paradigms in the field of communication and focuses on the subject and the way a message is sent. This paradigm assumes that media can have a lot of influence, but that its influence is dependent on a lot of factors, like predispositions and the kind of audience. McCombs and Shaw initiated the discussion in 1972 introducing the agenda-setting effect. This effect is the correlation between the frequency of an issue in the media and the importance people assign to the issue. This means that if media write a lot about refugees, people will think the subject of refugees is important in and for our society.

Priming

Priming and framing are prolongations of agenda-setting and are also used and explained by Sunstein and Thaler as a well-known bias in human thinking and thereby thus a way to influence choices. Priming is quite similar to agenda-setting, but goes a step further. The media does not only make a subject more important, it "*changes the standards that people use to make political evaluations*"

(Iyengar and Kinder, 1987, p63). This means that the media can make us think of the performance of for example the president in the light of his policies to increase sustainability instead of evaluating him on basis of his security policies. This can make an important difference: sometimes politicians are considered to be very good at security, while others are better at economic issues. If, for example, security isn't an issue at all and people judge in the light of economy, this can determine who wins. An example Sunstein and Thaler mention is the fact that solely by asking if people intend to buy a car, the purchases of cars already did increase by 35 percent (Sunstein and Thaler ,2008). Also drinking hot coffee would make judgment of and the attitude towards others more friendly in comparison with cold drinks. So agenda setting and priming are about salience, just like nudging is about the mechanism of the human brain. The subject that is the most accessible, most on people's minds, will be used to make evaluations. This changes not only political evaluations, but other evaluations in daily life as well. Media is considered to be biased by many researchers. For example Curran researched the amount of international and domestic news, and to which extent it was more entertaining or factual, in the United Kingdom, the United States, Finland and Denmark and linked it to knowledge about those subjects. Within that research it's clearly visible that within Finland and Denmark there is more focus on factual and international news than in the other two countries. Others researched it domestically like Van Dalen , who found that there exists a government bias, it is easier for the government to find attention and their view does get more attention than that of others. The subject has been researched a lot, for example about news values, by which media select if something is interesting enough to become news, like amount of conflict, negativity, unexpectedness and many others. (Harcup and O'Neill,2001). All these mechanism do lead to the fact that media primes certain subjects more than others and has the ability to influence the considered importance of these subjects.

Framing

Framing is based on the idea of Goffman (1964) who argues that it is impossible to fully understand the world. Everyone needs a certain framework to make sense of the information processed. New experiences can be interpreted in many ways and by using frameworks it is easier to make sense of these experiences. Kahneman and Tversky (1984) showed that framing can have a huge influence. The way a message is framed, does have an impact on the way the information will be processed and thus on evaluations and decisions made on the basis of that same information. Kahneman and Tversky indicated that the way of presentation influences choices by showing that when something is framed as a loss instead of a win (10 out of 30 people will die rather than 20 out of 30 people will survive), fewer people will choose it.

As Scheufele and Tewskbury (2007, p12) wrote, framing has a macro and a micro level. It is a "*mode*

of presentation that journalist and other communicators use to present information in a way that resonates with existing underlying schemas among their audience” (macro) and “it describes how people use information and presentation features regarding issues as they form impressions.” Well-known and frequently used frames in news are for example the conflict frame, the economy frame and the human interest frame (Semetko and Valkenburg, 2000). The conflict frame simplifies issues into a conflict between two positions. Like two candidates in an election. The human interest frame adds emotions, personalization or dramatization to gain as much as attention possible and the economy frame judges policies, issues or candidates in the light of their consequences on economy. These frames are examples of categories that can simplify a subject to become one-sided. Although the precise impact of framing is unknown, it is probably significant. Semetko and Valkenburg identified different frames, but for example Chong and Druckman (2007) tried to find the way frames have an impact. They argue that by repetition of a specific frame less knowledgeable people will especially be influenced more, while more knowledgeable people will be more likely to compare the dominant frame to other possible alternative frames and information.

So the main difference between framing, priming and agenda-setting is the fact that the first one is about whether or not we think about an issue and the following two more specifically how we think about it. Priming and agenda-setting are about accessibility, the fact that the issue is on the mind, while framing is about applicability: the framework builds a connection between two different subjects and makes the thoughts of these subjects connected. For example the issue of unemployment with as primed solution the implementation or lack thereof, of taxes. These three concepts could be used by media in probably every program or news item. When discussing a subject, it is easy to use a certain frame and by giving a certain amount of attention (in a certain way) you already use priming and agenda-setting.

4.3 What is the difference between framing, priming and nudging and how could it be used?

So the media can set agendas, can prime certain subjects and connections into our mind and can probably even determine in what kind of frameworks we think of a subject. Besides that, the media uses language, plays with language and the way they want to put things. An interesting power, which could be used for dangerous, as well as well-intended purposes. Nudging could be seen as a way to use this power. Since objectivity seems to be impossible, you could choose nudging as a way to manage it. It seems to be possible to use the power of media to increase welfare as well, to debias people and help them to make better choices like Sunstein and Thaler would prefer, but what should that look like?

As explained before, nudging has to do with pushing individuals to their objective welfare. Debiasing people in a cheap and avoidable way, that is both neutral and transparent. Thaler and Sunstein (2008) argue that people should be debiased by, for example, making designs so simple that it is impossible to use it the wrong way. Another example of nudging is priming. Priming could be used as “channel factor”; the fact that only asking a question already has a lot of influence, creates many possibilities. Ask people how often they clean their room, and they will probably do this more often. Therefore Sunstein and Thaler suggest little modifications in the choice architecture: *“Social scientists have found that they can “prime” people into certain forms of behavior by offering simple and apparently irrelevant cues. It turns out that if certain objects are made visible and salient, people’s behavior can be affected” Thaler and Sunstein, 2003, P.72*). Some quite manipulative sounding examples Thaler and Sunstein mention are putting a boardroom table into the room to make people more competitive, letting a room smell like cleaning products to make people cleaner and making people less judgmental about others by making them drink hot coffee. For media it should for instance be possible to ask the question: ‘do you intend to become a donor?’ ‘Did you know already X people filled in the donor form?’ Or another option is to just frequently put the whole matter in the spotlight to prime the importance of the subject and make people think about it. For example mentioning this in certain talk shows, airing a documentary or just letting people talk about it in entertainment programs. It is important to note though that when the criteria of Bovens and Van Hees are applied, as well as the definition of nudging, the possible outcomes will become a bit more restricted. These criteria dictate that nudging is only helpful and desirable if used on decisions concerning subjects that are not frequently made and when akrasia, inertia or queasiness is clearly present. Priming topics like organ donation or pension plans are cases that will still be acceptable to nudge since these are not daily decisions. Decisions like eating healthy food instead of junk food could only be nudgeable if akrasia is in the picture.

Framing is mostly described as a failure in the thinking of the automatic system. The difference in the decision making progress between framing something as a gain or a loss is an interesting example. Thaler and Sunstein state that this fact should be used very cautiously. Later on they also remark that mapping choices could be more easily labelled as a nudge, like making relevant information more visible and helping people to map the different options. Other options are framing decisions into what others are doing or what losses will follow as a result. Interesting research in this field, in combination with politics, is the so-called spiral of cynicism. Jamieson and Capella (1997) were convinced that the news-media broadcasts frame politics too much in words of conflict, strategic games and tactics. They argue these frames lower the trust of citizens when it comes to politics; they create a spiral of cynicism. If news is focused on the specific behaviour of politicians, the impression

of that actor will be influenced by his character. When only the information about the character is repeated, often the thoughts of that politician specifically, can solely be based on character traits instead of, for example, political arguments. So strategic frames which are heavily focused on behaviour, often framed in self-interest, or just as the 'typical political game', make those thoughts the most salient and thereby increase cynicism (or decrease political trust). So Capella and Jamieson believe that by framing stories with the focus on the issues instead of politicians, political knowledge and engagement could be increased.

Another example of this is the indication that even stereotyping within frames could lead to problems in self-image and self-identification. If certain characteristics are often linked to the same stereotypes, people will be more inclined to associate these stereotypes to all people sharing those characteristics. For example people from different ethnic backgrounds can experience this generalization when they are seen as foreign in the country they live in as well as in the country they are born since they do not live there anymore. A risk exists that they will flock together and create their own subculture linked to all those stereotypes driven by the feeling of not belonging anywhere else (Alliet, 2010). Taylor even argues that people are dependent on recognition. A positive self-image is created by recognition from others. When people are often misrecognized their self-image and therefore the people themselves will be damaged. Therefore it is important for society that people do not only emphasize differences, but also similarities or positive aspects. With only negative attention, a self-image will be influenced in a similar way and there is a chance that people will act upon that negative image. People do need external opinions and discussions as a mirror to form a perspective. Language creates and embodies the reality by shaping emotions. The perspective chosen can change the recognition. The difference between 'Do I have to be ashamed that I am different', and 'should people that are not able to value that I am different be ashamed'. The way society will talk about subjects will shape the thoughts about the subject and if it is accepted or if it will change. At least language can also help to create collective action. Conversations about emotions, or just overthinking and trying to explain different subjects can help to get more insight in yourself and others and can shape a feeling of belonging. Language is needed for self-recognition, recognition of others and to embody social relations. (Taylor in Van Leeuwen 2003). So for now it suffices to conclude that the way subjects are discussed, is very important. It can make a difference, even for people's autonomy.¹ So nudging by media could increase people's autonomy. Like for instance the refugees who will probably feel more respected, have more confidence and as a result feel a bigger urge to contribute to the country which will then influence their general image. So

¹ For a more detailed elaboration of the importance of recognition and how this works exactly, I refer to Van Leeuwen, 2003).

nudging could possibly be acceptable when it supports autonomy enough and doesn't infringe on freedom by meeting the criteria mentioned earlier. It is a difficult subject, however, there are also other perspectives on this matter and it remains challenging to decide how to exactly frame your stories. The frame has a lot of impact, but what is the 'just' view and are people even interested in such matters? I will continue to elaborate on this specific subject more after addressing the question whether media should nudge or not, since it shows an important problem for framing by the media.

So now it is clear why many researchers (and I count myself amongst them) consider media as influential. Not only because of the significant role they play within people's life, but also because it does have a certain power to steer interpretations. By priming and framing, but also by the words and connotations those words have. Language does play an important role within this subject and also when talking about nudging, media seems to be a powerful place to implant this way of thinking, which will reach many people. This does prime the question if there are already examples of nudging within media.

4.4 Is there already a real life example of using priming and framing?

A well-known nudge campaign is the "don't mess with Texas" campaign. This campaign uses priming and framing to try to make Texas less polluted. The goal is to prevent people from throwing their litter next to the highway, or other places in nature. This should be achieved without extra surveillance or higher fines, but with just a campaign. In the meantime the nudge is not only widely spread by media and signs within villages as intended, it is even available on merchandise like t-shirts and caps (Hausman and Welch, 2010).

Hausman and Welch explain the campaign, which they call an example of a social nudge, as follows:

"[The campaign] attempted to create a machismo image for those who don't litter [...] and to influence behaviour via that association. [...] By playing on emotions that ought to be irrelevant to littering, it attempted some very mild shaping and thereby influenced behaviour at a much lower cost than harsher penalties for littering or expanded enforcement of anti-littering laws." (p. 134)

The campaign is mainly based on two processes in the brain: (1) The expectation you have of what others think and wanting to conform to that expectation, and (2) to try to make the social factor more salient (Nagatsu, 2015).

- 1) People often have wrong expectations. A well-known example is that of teenagers and alcohol. The expected amount of drinking is much higher than the real amount of drinking. If

people learn that others don't binge drink that much and don't value it positively either, others will be less tempted to drink a lot. They won't meet the expectation of others, which can be seen as a problem. So by educating that throwing litter in nature isn't valued people will be less likely to do it. The trick is to prime the reality of others not liking people who litter with the decision to throw the litter away or not.

2) Using a frame focussing on the shared identity (a 'we-frame') increases social behaviour. By stressing the 'we feeling', the pride of Texas, as well as the concept that litter pollutes your community, the community you are proud of and that you want to flourish, you can decrease the amount people litter. On the other hand you are not infringing autonomy or the choice-architecture: The 'we feeling' is primed by using a we-frame to make the shared feeling more salient.

This is a well-known and interesting example of nudging while using media. On the other hand it is a nudge that the media could apply as well. For instance if they want to promote a community feeling and frame every news item in a 'we-frame' and explain how people normally think of certain news facts. The media could show the people that organ donation is valued, that being sustainable is something many others take part in and that is valued by their peers. This could be done in entertainment programs, news, documentaries and many other kind of programs. The question is of course whether or not they should.

4.5 Should the media intendedly use their power?

So framing and priming are inevitable processes within messaging. It is even relatively easy to see how it could be used by a medium itself to promote their own message or to try to nudge towards well-being in general. The question remains however, is it desirable? Asking specific questions intended to try to influence people's decisions, while they are just watching television, sounds very manipulative. Especially when thinking of, for example, the criteria of nudging (like transparency), people should be aware they can be nudged everywhere and always. And now we only speak about nudges by the media towards welfare, the manipulations by commercial actors for their own benefits aren't even mentioned. Shouldn't people be able to at least trust their news channel, or the public broadcast which should be independent? To answer these questions it is important to first look at the public and commercial broadcasts to determine what is acceptable and can be expected and secondly to consider the role the media has in our society.

4.6 Is there space for the media to nudge within the legal framework?

To answer the question if nudging is possible within the modern society, it is important to distinguish between the commercial and the public broadcast system. Commercial broadcasts are property of business entities that need to make profit, while public broadcast systems are hosted by the government to serve certain public goals and the common good. Nudges are often intended for governments or non-profit organizations who want to promote well-being. Especially for the government it is more difficult to influence the commercial broadcast actors. Since those actors have more freedom to do whatever they want, because there are not that many rules. These broadcasts or other businesses could nudge themselves if they want to, although they are not completely free to do whatever they like. In the Netherlands it is forbidden to make profit by sponsors of news and programs about actuality (Rijksoverheid, 2016). These kind of programs need to be neutral. This means manipulation of news is forbidden. It is however possible to give more attention to, for example, the subject of sustainability, and less to other news. For these channels it has to be thought of by the broadcast itself and not by the government. The fact that programs like news are restricted is because, in the Netherlands, these programs are expected to be fair and independent. It would be very easy to manipulate people when they truly believe they get facts. Despite that rule, a lot of freedom to design the channels remains. In The Netherlands the commercial news program, RTL Nieuws has very different subjects and frames compared to the more sensational and dramatic 'Hart van Nederland'. A news program by another commercial broadcast which is focused far more on local news and the drama behind the news, while both are seen as neutral. It is most likely that the view of a subject and the subjects associated with it, are quite different for the people who watch RTL or Hart van Nederland. Framing and priming are inevitable when selecting news, selecting which subjects will get how many minutes of airtime, which people are invited to speak and so on. So, although the commercial broadcasts have to be neutral when airing news, they still have a lot of freedom. . However, there is of course a difference between trying to make independent news and already having the intent to nudge. The question is if, or not, this intent makes the situation problematic.

On the other hand there are the public broadcasts. These channels have a more extensive legal framework which should be respected To examine if nudging is possible we should elaborate a bit more on which rules the public broadcast has to respect and if for example the government can ask them to nudge or if they should be able do that themselves while respecting the frameworks.

Public broadcasts

To know if nudging is possible it is important to look at the goals of public broadcasting. The United Nations Educational, Scientific and Cultural Organization (UNESCO) summarized this in their report about public broadcasting around the world as follows:

“Neither commercial nor State-controlled, public broadcasting’s only *raison d’être* is public service. It is the public’s broadcasting organization; it speaks to everyone as a citizen. Public broadcasters encourage access to and participation in public life. They develop knowledge, broaden horizons and enable people to better understand themselves by better understanding the world and others. Public broadcasting is defined as a meeting place where all citizens are welcome and considered equals. It is an information and education tool, accessible to all and meant for all, whatever their social or economic status. Its mandate is not restricted to information and cultural development—public broadcasting must also appeal to the imagination, and entertain. But it does so with a concern for quality that distinguishes it from commercial broadcasting.” (UNESCO, 2000, p4)

So, public broadcasts do inform, educate and entertain. The focus of this broadcast system is more on informing and educating, but without entertaining, it is difficult to attract viewers and therefore is it often combined. When reading this definition, you could go as far as stating that nudging seems to be a main task of the public broadcast, since they should encourage participation and better understanding of the world. However, there are, according to UNESCO (2000), some criteria that have to be met by broadcasted programs like universality (accessible for everyone), diversity (genre, audiences and subjects), independence (freedom of political and commercial pressure) and distinctiveness (It must differentiate itself from commercial broadcast by for example quality and the character of programs.)

When thinking of educating and informing, nudging seems to be a useful tool to achieve that goal. It nevertheless has to be universal, which means that programs could be seen as accessible for everyone. More difficult is the independence element. If freedom of political and commercial pressure is essential, can you ask media to nudge? The answer seems to be no, or at least when talking about government pressure. The media can certainly nudge by themselves when it is for universal accepted goals and not certain commercial or political ones (which well-being seems to be). If the public broadcast wants to promote diversity or wants to inform people, it seems possible to use nudges in order to achieve that goal. UNESCO and the World Radio and Television Council also accept some other missions within public broadcasting. For example strengthening national identity is explicitly mentioned as a mission which is feasible to strive for. This would mean that a nudge campaign like ‘Don’t Mess with Texas’, which is built on this feeling of belonging and the pride of

Texas, could be introduced by a public broadcast service as well. An important remark on these kinds of goals is that the political concept of identity may not be promoted. Promotion should be about national identities and culture, promoting political ones is forbidden in the light of neutrality (UNESCO,2000). Public broadcasting may not be used for non-universal political goals like promoting a certain political standpoint or party. When thinking of the spiral of cynicism however, it seems to be legally possible to frame politics in less strategic ways to try to increase the trust in democracy as a whole. Since this could be seen as a universal goal and is not (directly) benefitting a certain political view. The criterion of transparency seems to be an important criterion to be prudent with when using nudging for such goals. If a news program explicitly states that it will stop framing politics like a game and will start framing it in the light of policies to encourage participation, I can imagine that defending that decision will be hard and that a lot of critique will follow. Although it could be possible, it has to be ensured that the publicity principle of Rawls, and thus the transparency criterion, is met and should be used prudently. UNESCO (2000) also has a list of criteria of the subjects that public broadcasted programs should emphasize. These programs should be unbiased, of general interest, should promote culture and art (by broadcasting about these subjects) , should try to develop their programs themselves to meet their national audiences as well as possible and last but not least they should also prioritize their own nation, by promoting own nations culture like films and documentaries first. These criteria have the goal of making the public programs differ from commercial broadcasts that focus more on profit and therefore sometimes can't focus that much on national issues.

So programs should be unbiased. Events should be broadcasted as fair as possible and when objectivity isn't possible it should at least be unbiased with as many viewpoints as possible to make people understand the issue. Democratic life could be enriched by these in-depth explanations. So when nudging is indeed used as debiasing and for making information more accessible, it should be possible. At the same time public broadcasting is also explicitly used to promote national issues, culture and general interest. This seems to make nudging acceptable on television, or at least for certain issues.

Journalists

Not only public broadcasters have rules within the Netherlands. There is also an ethical code of journalism which every journalist should respect. This code applies to all types of journalists: journalists of broadcasters, but also those writing for newspapers and magazines. The most important passages for nudging are about the right to inform the public. Information should be veracious, fair, should be gathered and shared independently and should respect human dignity and private matters. Those criteria can only be deviated from when there is significant social importance

that requires deviation (Raad van de Journalistiek, 2013). Being veracious means that messages should be truthful and that the journalist is obliged to make a clear distinction between facts, thoughts, commentary and assumptions. So journalists do have a lot of freedom within their journalism. They are free to write in a more opinionated manner or to choose certain subjects or details to emphasize, as long as they are transparent in what they are doing and do not endanger truth.

So there seems to be some space within the legal frameworks to let journalists and broadcasts nudge. Nudging to promote culture, pride and so on seems to be possible. Framing and priming are both inevitable in the media so maybe they should indeed use it in a better way. If nudges are indeed acceptable for both paternalists and libertarians because it is in everyone's well-being and doesn't infringe autonomy, then neither should it be a problem to use it in the media. One problem that could occur is the fact that nudges have to be transparent. Maybe it is legally possible, but will people ever trust their news program again if you tell them that you start bringing news in other ways so they will be less cynical? That you broadcast certain programs or documentaries with the intent to make people think of those subjects as being of more importance? It could be possible when explaining that you structure choices another way to make things more understandable, trying to debias and rationalize. But even for a campaign like 'Don't Mess With Texas', what if you have to tell people: we frame our stories now more towards pride, so you become more proud of Texas, and we connect it to make you pollute less. I can imagine people will become very angry or in the best case lose interest and the effects of the campaign wear off. At the other hand do people know that the public broadcast has to serve public goals. Priming certain subjects in, for example, documentaries, would probably already be more acceptable for a public broadcast. Although the media isn't neutral at all, it still keeps up the impression of being independent (or in countries with the democratic corporatist media-model at least, like Germany and The Netherlands), and the intention of nudges doesn't seem to match that particular intent and goal. So intent is not only a problem for deontological libertarians, it could also practically form (in this case at least) an obstacle. When thinking of the cost benefit analysis and consequences again, it probably is possible to explain to people that nudging is better for the common good and their well-being and that it still is the truth that is being told in broadcasted programs. This is of course part of a whole other question, namely if nudging by the media is desirable. A question that is even more important than the question if it should be possible within the legal framework.

4.7 Is nudging desirable when looking at the role of the media?

An interesting framework to judge if nudging is desirable is that of Strömbäck (2005). A lot of discussion exists about the desirableness of the influence of the media and what kind of roles it should have. I already elaborated on the spiral of cynicism, but there are also others who argue that the media is biased in its subjects and thus also in its reporting. The media has its preferences in what kind of subjects, what kind of countries and what kind of political figures they want to broadcast (f.e. Van Dalen 2012 , Tresch, 2009). Therefore Zaller argued in 2003 that we should have standards of news quality to form a better judgement about this. He proposed the burglar alarm standard:

Journalists should seek routinely to cover non-emergency but important issues by means of coverage that is intensely focused, dramatic, and entertaining and that affords the parties and responsible interest groups, especially political parties, ample opportunity for expression of opposing views. Reporters may use simulated drama to engage public attention when the real thing is absent . . . As with a real burglar alarm, the idea is to call attention to matters requiring urgent attention, and to do so in excited and noisy tones. News would penetrate every corner of public space so few could miss it. (Zaller 2003, p. 122)

This model received a lot of critique because it should be too normative. Strömbäck therefore comes with a new standard, which is more extensive. He posits that there is not just a, one dimensional, democracy. To come up with a model of journalism the different models of democracy should be involved as well. So to be able to judge if media should be nudging, it is important to watch the different kinds of democracies and the role of the media in these situations.

Strömbäck describes the relation between the media and democracy as a social contract. Both institutions need each other. The government respects the freedom of speech and the independency of the media, while the media helps democracy by being a source of information for both government and citizens, by being a forum for public discussions and at the same time by being a watchdog focusing on the government. This task however depends on which model of democracy is seen as ideal. He distinguishes 4 kinds of democracies. The procedural, competitive, participatory and deliberative democracy. Each democracy has its own implications for the desired role of the media. The following table summarizes the models that I will elaborate on.

Table 1. Four models of democracy—a comparison

	Procedural democracy	Competitive democracy	Participatory democracy	Deliberative democracy
Central mechanism for securing the primacy of the common good	Free and fair elections	Competitive elections	Citizen participation in public life, both outside and within political parties	Deliberative discussions among all sections of the public and their representatives
Distinguishing and core normative expectations of citizens	Respect democratic procedures	Clear opinions of societal problems; knowledge of who has had power; knowledge about the record of the office holders; knowledge about party platforms and promises	Politically interested; engaged in associations and in public life; knowledge about how to influence public life; knowledge about relevant factual conditions; clear opinions of societal problems; trustful, cooperative	Politically interested; participate in discussions; trustful, cooperative, listening; knowledge about relevant factual conditions and moral values; readiness to change opinions; strive for consensus; committed to the values of impartiality and rationality; make sociotropic evaluations

Figure 2: Summary of the models of democracy (Strömbäck 2005, p337)

Procedural democracy

This model is about the minimal requirements to recognize a system as a democracy. A democracy is from this point of view about respecting the minimal rules of democracy, like voting and the freedom of press and expression. It is just about the opportunity to vote, it is less important if people do vote, consume news or if they are informed, as long as there is the possibility to do so. This implies that the media should respect the democratic standards. The media can decide for themselves how the rest of the freedom is used. This probably entails that the media covers the issues and opinions people ask for, like a marketplace of ideas. Things people really do need to know should be provided. The people should be served, which means it is more a market mechanism than a normative one. Commercialism is therefore also possible. The amount of freedom the media has in this kind of model, makes it difficult to judge if there is room for nudging. There is room for it, if it doesn't harm democracy explicitly. But that doesn't make it desirable of course, except if people do ask for it in the marketplace. So maybe if you could convince people that it is in their interests to be nudged by the media, it is possible to nudge, since respecting democracy and giving people what they want is the only variable to judge desirableness on.

Competitive democracy

The competitive model of democracy is the model Schumpeter came up with: democracy is the competition of gaining people's votes (Strömbäck, 2005). Political parties and politicians act to gain the votes while citizens react on these acts. The citizens are like costumers, so elections are the

opportunity for people to be heard and to choose their preference. When the government is elected, people can choose to 'punish' politicians. So people should have the knowledge to judge about important issues, should know the positions of political parties, who did what and why, and all other relevant information to judge which party should gain a vote.

The media should provide the relevant information to enable competition between politicians and political parties. When people have to decide about their political preferences, people should have enough knowledge and information to do so. This entails not only understanding how society works, but also having information about relevant problems and knowing who is responsible for what. This means information from media should be trustworthy and close to reality. As the code for Journalism also requires it should be clear which content is entertaining, which is advertising and which content is meant as journalism. The latter section should be critical, impartial and facts should be checked. The content should be proportional and should also focus on alternatives instead of monitoring the government and more known opposition alone. Another important issue is the functioning of the society and the political system (especially when it goes wrong). This model asks for more information than the procedural one and is also more reality oriented. So by giving important issues some airtime and by trying to make politics less boring it is possible to encourage people to become more closely connected and develop more critical judgement.

Nudges could be used to make politics more engaging and more accessible. For example mapping the different parties and elements more easily and in a structured manner and thereby mapping the choices people have, could make judging who has to win the competition easier. Since reality should be broadcasted impartially and with clarity, nudges should be announced. However, it is difficult to see what different kind of nudges could be used to improve competition. Priming national pride has little to do with competition for example, so only debiasing, structuring and rationalization would be possible when it helps the competitive part. This would mean the media should use frames that really put other parties and preferred policies against each-other to make democratic choices easier. This could be seen as a nudge towards welfare since it makes participating within the competitive democracy easier. It has however less to do with welfare as in the examples Sunstein and Thaler used.

Participatory democracy

People who consider the participatory democracy as the ideal option, believe democracy is not just about voting, but about participating. People should engage in the political activities that are provided and should develop a democratic ethos that way. It is about social capital as Putnam explained it: people should feel civic engagement, trust and norms of reciprocity to participate in

communities (Strömbäck, 2005). To achieve this it is crucial that people gain enough information and knowledge to enable participating in decision making. Like for example knowing where and when you can participate within the political decision-making process.

As the name indicates, it is important that people do engage in this model, and that they participate. Therefore media should not only provide people with factual information about problems and the system of society, it should also give citizens themselves the possibility to set the agenda, and to make certain subjects important. *"The news should frame politics as issues and as open for citizen participation, not as a strategic game played by those already engaged"* (Strömbäck,2005, p340) . Media should mobilize, so it should not only discuss problems, but solutions as well, to demonstrate you can change something. It is about public journalism, not that of the elite.

As the quote already shows, nudges could be useful to engage people within democracy. People who view democracy in the participatory way do seem to support nudging by asking for certain frames to improve democratic engagement. Since using a certain frame is inevitable, they ask to frame politics as open as possible and to focus on issues as also is seen in the literature about the spiral of cynicism. The focus on issues instead of politicians should decrease the thought that politics is just the elite who are playing a game, and this way political trust should be increased. This would lead to a better democratic system with more participation, and thus with more engagement and as a result probably with outcomes that benefit people and their welfare.

Deliberative democracy

Elster (Strömbäck, 2005) described the concept of deliberative democracy as a democracy in which collective decision making occurs. So decisions have to be debated and within these discussions people have to be rational, honest, impartial and equal. Deliberation is the ideal between citizens but also between citizens' politicians and institutions. This is possible in specific deliberative contexts but in the media as well. As long as no acceptable decision is formed, discussion should continue. This ideal of democracy demands quite a lot of citizens, they shouldn't only have enough knowledge, engagement and information about the political opportunities; they must be able to be rational and impartial as well. This means searching information about topics, trying to understand the viewpoint of others and valuing equality and besides that being trustworthy, having integrity and being tolerant. An ideal that asks quite a lot since many people are not the homo economicus that some would like humans to be.

The role of the media is, in this regard, similar to the role in the participatory democracy, but extends to the importance of political discussions in which people should be able to participate. Journalists should participate by showing political discussions impartially, honest, rational and equally. So it is

again about factual information, but with the addition that everybody should be able to participate in the arena and should be able to get attention from the media when they act on the values mentioned earlier. This would mean also opinions should get some space. Thus the desirability of nudging is the same as it is in the deliberative democracy. The impartial part remains a problem, but nudges could be used to promote democratic goals to make people more deliberative or to help them to be so.

So, what does this framework mean?

Although none of these models apply exact to the absolute reality, and it is definitely possible to criticize them, it is possible to see the important different dimensions within and thereby the difference when judging nudges. Strömbäck (2005) summarized the models for media in the following table, which could make it a bit more clear.

Table 2. Four models of democracy and their implications for journalism—a comparison

	Procedural democracy	Competitive democracy	Participatory democracy	Deliberative democracy
Distinguishing and core normative demands upon news journalism	Respect the democratic procedures; act as a watchdog or as a Burglar Alarm exposing wrong-doings	Act as a watchdog or a Burglar Alarm; focus on the record of office-holders and the platforms of the political candidates and parties; focus on the political actors	Let the citizens set the agenda; mobilize the citizens' interest, engagement and participation in public life; focus on problem solving as well as problems; frame politics as a process open for principally everyone and citizens as active subjects; link active citizens together	Act for inclusive discussions; mobilize citizens' interest, engagement and participation in public discussions; link discussants to each other; foster public discussions characterized by rationality, impartiality, intellectual honesty and equality

Figure 3. Strömbäck (2005), p341

In short, we could conclude that in Strömbäck's view there may be not that much space for nudges in procedural and competitive democracies, as media is just a watchdog. The media should serve the people, should watch politics and make judging politics possible for the citizens. To make judgement easier it is however possible to use nudges. For participatory and deliberative democracies you could also use nudges to increase engagement, to make politics easier and to make people think of politics and its subjects and policies as something important, something primed that should be discussed.

As explained, Cappella and Jamieson (1999) argue that media should enlighten people instead of the framing of horse race games which lowers the trust. This opinion is also supported by Strömbäck within the participatory democracy view. This is however criticized by van Hees, who thinks that with strategic frames people just become more critical. Being critical is not necessarily the same as cynicism and also not directly something bad. But, if it is indeed true that the kind of frame in which a media tells a story does influence for example trust, it is also possible to ask them to focus more on issues, and less on the strategic and horse race game parts. This way people can become more involved within politics and democracy, which also could be seen as for their own good. Not only Cappella and Jamieson have these kinds of arguments. For instance Patterson (2002) states that, among other things, the negativity of the media leads to less overall trust and lower turnouts.

So media could, and depending to which view of democracy you have maybe even should, change the way they broadcast by using other primes and other frames. By choosing what kind of subjects need attention, and in which way they should be told, for example to encourage participation or deliberation within democracy. However, not only in politics, the code of journalism and the report of UNESCO showed that media (the public ones at least) do have an important role to promote national identity, national culture and the understanding of important subjects. It seems that many different actors agree with each other that the media has an important task to accomplish, which is not just showing news to the people, but also has to do with primes and frames. This does not mean that these actors are promoting the media to be less impartial, on the contrary. That criterion is mentioned as one of the most important for media. Nevertheless it does show, that media does have an important task within the society and should be careful how they fill this task in, how they want to broadcast subjects and why a certain subject needs to be reported. Those choices aren't just impartial ones, there is no such thing as a strict reality that shows which items have to become news. Nudging could be a way to determine what needs to be primed or how a view should be framed. What should that look like?

4.8 How could nudging in the media be done?

Until now a lot has been said about 'ifs' and 'shoulds' but how could nudges in the media really be shaped? It is interesting to think of some examples and to discuss these more extensively. This will make the subject more concrete and helps to answer the questions if nudging is really desirable and a possible way to handle the fact that objectivity is impossible. As said before, nudges come in many different forms and in many different amounts of aggressiveness, while in the media especially framing and priming seem to be influential. It should be noted that within these examples many different kinds and possible ways to nudge are available. It is possible to frame it differently and I can

only encourage others to try to make some examples or to make additions to these examples as well, since the nudging literature is lacking concrete examples these could be useful to create clear boundaries. There are some suggestions mentioned, but none of them very concrete. Especially the example of making politics more interesting to overcome the spiral of cynicism is often elaborated on by different authors in different sections within this paper. How could this possibly be done when applying this to real issues?

In 2016 The Netherlands hosted a referendum about an association agreement between the European Union and Ukraine. The question stated was whether The Netherlands should sign the agreement or not. A difficult subject, which demanded some effort in order to be judged rationally. The association agreement itself, without any attachments, contains 323 pages (Nederlandse regering, 2014). This only makes the example more interesting. Because of this length and difficulty it can be assumed that the media would be the source of information for many people.

Thus, when thinking about the possibilities of nudging that Sunstein and Thaler, but also others like Jamieson and Cappella mentioned, what should a nudge look like? The first decision is of course if this subject should be primed as important and in which way. Because of the exceptionality of referenda, the importance isn't much of an issue. Especially when looking at the code of journalism (Raad van Journalistiek, 2013), the report of UNESCO (2000) and the normative models of Strömbäck (2005) you could say this is a subject that should gain attention and should be primed as something important. The framing however, has more possibilities:

The agreement and referendum could be shown as a typical political game, the frame that should lead to an increase in political cynicism and would thus be seen as negative. This would mean framing the referendum as just a way to make people think they have some power, although nothing will happen anyway. Another possibility is framing the agreement as just a game between Europe and Russia to show who has the most power over Ukraine, while well-being of citizens isn't an issue.

When thinking of nudging however, there are also other possibilities. It is for example possible to emphasize the policies mentioned within the agreement. An easy and structured map of what information is relevant could help rationalization. What does the agreement mean for Europe, for The Netherlands and for Ukraine? What do those 323 pages really mean for the citizens? What would a no, and what would a yes mean? Which arguments are stated? This way people can decide what is their best option. On top of that they know if they can change something. It shows why engagement could be useful and makes it easier to make a rational decision, or even to feel more engaged and thereby more participative or deliberative.

Another kind of frame is to put the emphasis more on the referendum itself, irrespective of what the result will or should be. It is possible to show the referendum as a possibility to engage within politics, to make your voice heard. Or as Strömbäck would say within the competitive view: the referendum as a possibility to 'punish' politicians by deciding if Europe does well or not. It is also possible, more in line with the view of people who defend participative and deliberative democracy, to increase participation and deliberation about the subject that way. It is not the subject itself that matters, but the process, the fact that people will engage, will think of politics, will feel their responsibility and importance within politics and that people should recognize how important this is.

The question is if this really is nudging as libertarian paternalists would agree with. For paternalists it isn't really a question if they value political engagement. For libertarians this will be more difficult. Is it in our objective well-being to be more politically sophisticated and is such a frame transparent, neutral and easy avoidable? You could argue these frames will help the common good and therefore also the individual. Especially the frame itself helps someone to be more rational, which is already in someone's interest. Besides that, if people make the rational choice, the outcome of the referendum will most likely be more in the interest of those people and political engagement is argued to be good for a lot of different things, like civic engagement, understanding differences between people and many others (f.e. Dagger, 1997). Neutrality is a bit more difficult. Is focusing on the political value and rationalization neutral when there are also voices within society that argue it is just a political game of elites or an attempt by Europe to make Russia less powerful? For the individual it is better to be rational, to be able to think about that subject himself as well, but as a mirror of society that view should be elaborated on in the map of arguments that could be made.

So it seems to be a bit difficult to use nudges on such specific subjects, since you have to aim for welfare but also have to respect the strive towards impartiality of the media. Even if you replace that strive for nudging it will be difficult: nudges do ask neutrality and a subject with an identifiable objective welfare. So rationalization can be the aim, to make people more capable to make a rational choice, but if you want to go further than that, you still have to be careful which view is reality. For example the government was convinced that people would be more benefitted with a 'yes-vote', but aiming to push people to that wouldn't be neutral at all. It is however difficult to find objective truths in reality, since there exist many views on such subjects. Besides that, thinking of the additions made to the criteria of nudging, you also have to find subjects in which akrasia, inertia, or queasiness occurs, or situations that do not occur that often which would mean people are not able to learn from their choices. Rationalization would also apply to these criteria, but would the specific frames do?

When thinking of framing, it is easier to think of some examples that are less politically sensitive. Like encouraging people to bike or to encourage them to vote:

- Media outlets often broadcast the amount of traffic jams, or at least report when this amount is raised or exceptional. It is easily possible to add some extra information to this kind of message. It is for example useful to know how long the delay will be. But what if media would also broadcast that a certain route would be faster with the bicycle, bus or train? Today there is a delay of 40 minutes, so taking the bike would be 5 minutes faster, the train will be 30 minutes faster. This could help the environment, and with biking even health. The decision of how to travel to work is often something that is made in the beginning of the job, something that isn't questioned anymore. If you are in that traffic jam every day, you get used to it and won't think of alternatives. That way also the criteria of Bovens and Van Hees will be met with this nudge.
- It is possible to focus on for example sustainable streets, especially for regional newspapers. If it would be news that a certain street has almost no pollution, and how they did it and that would be done more often, people will think the subject is important and they also see others are being greener than they are. A lot of subjects could already be nudges when just primed by media, but adding a social frame or a frame that encourages a shared feeling can increase the effectiveness. This is just an example of recognizing two of the many biases that were mentioned by Thaler and Sunstein (2008).
- In the days before elections there is often a lot of attention for political subjects. Going to vote on election day is however something that is often forgotten. A possible nudge could be using social pressure by reporting on the percentage of neighbours who will go vote. Other possibilities are just priming the fact that voting is possible or even framing not voting as a loss. This is your chance to decide the future of your country, you don't want to lose that chance, would you? This example could be a subject with which Bovens and Van Hees would have some trouble, since this kind of decisions should be made often. By nudging we do not teach people anything. on the other hand is not voting often because of inertia or akrasia and here a nudge might help.

Maybe it is easier for media to nudge when choosing the subject: by for example priming. It is possible to host a documentary about sugar, to ask an expert to talk about the danger of sugar or to mention it a bit more often in news or entertainment. This could be done with sugar, but also with pension plans, organ donation and so on. It is possible to frame the choices and to give information about it, but also to just make people think about it by mentioning a fact. As Thaler and Sunstein say,

asking people if they intend to buy a car, already increases the purchase of cars by 35 percent (2008), this shows that priming alone can already be influential.

An example that is already elaborated on is the feeling of misrecognition that can shape people's self-image. A reason to emphasize on similarities is, to make people feel more connected. This could for example be done in the debate about refugees. The question is, what should we be nudging? Telling the truth as much as possible by talking about the situation in the home country and the country they want to go to? By reporting on their motives or just what they would like to achieve in the new country? By making the differences we have to understand about each-other more clear, or by pointing out that we are quite similar and both human beings? This example shows difficulties within nudging. A lot of questions that should be answered, but that I cannot answer without using a certain (political) view. Is it possible to report the 'real' situation in such subjects? There are a lot of truths, Syria has a whole other truth than the United States or Russia does. For refugees it could be best to nudge towards recognition, make people understand them, making them real people with real skills who are an addition to our society. What is best for us? What is best for our welfare or our common good? Is there one perspective on these questions? I don't think so. That is exactly why the question of desirableness of nudges is so important.

The difficulty of thinking about these examples of nudges shows a clear problem within the definition of nudges. Even with the additions of Bovens and Van Hees it is difficult to distinguish pushes, or manipulations, from nudges when really trying to apply it to media. There are many, many different examples, but do they indeed promote autonomy and welfare? It also shows that many of the probably possible nudges are actually processes already used within media. Subjects like sugar, traffic jams and election days are often primed. Probably not with the intent to nudge, but because it seems interesting, in line with the journalistic codes or just because many people will read it. It does show again why media isn't objective but also that making nudges acceptable within this context isn't that easy.

4.9 So should the media consider striving for nudging?

When looking at the frameworks in which the media operates, neutrality seems to be one of the most important criteria. If we are looking at Strömbäck (2005), the Ethical code for Journalists (Raad van de Journalistiek, 2013) or the report of UNESCO (2000), they all agree about the importance of being impartial and neutral. In reality however, when thinking of the examples I tried to create, and looking at the concepts of priming, framing and the power that choosing certain words can already have, neutrality seems to be impossible. This became quite clear in the example of the refugees and the referendum about Ukraine and Europe. There is not one simple truth. So that would mean,

striving towards objectivity can be a just and noble goal, but is something impossible. Does that make nudging a better goal to strive for? Not necessarily. I would even argue that both objectivity and nudges are no solution. Supporting this conclusion I have 4 arguments: 1) Nudging still has a problem with its broad definition. 2) Striving towards nudging is difficult since there often is not one truth. 3) Being extremely careful and thinking too much of well-being could be counterproductive. 4) Especially in a democratic corporatist model objectivity is something that people expect, which makes nudging dangerous. I will elaborate on these arguments more in this order.

1) Nudging suffers from a lack of conceptualization. As became clear in the first part, the definition of nudging is quite broad and it lacks sharp boundaries. Even when adding some constraints as done by adding akrasia, inertia, queasiness, and factoring in choices that don't have to be made often, it is very difficult to define nudges exactly. The boundary between pure manipulation and nudging is wafer-thin. When thinking of the examples I tried to come up with this problem becomes clear. The newspaper NRC (2016) published an extensive report in which they mapped all pro and con arguments around the disagreement between Europe and Ukraine. Other articles were written about the value of the referendum itself, in the same newspaper. On the other hand there were also newspapers saying that the whole agreement was just about Russia vs Europe or about the people voting in the referendum versus the political elite. Was NRC nudging then? Should we call those frames nudges? Do media prime when talking about sustainability, organ donation and so on, or why are these subjects hosted instead of others? It is a bit too easy to call a push a nudge. Where it on one side is quite difficult to think of real nudges with clear consequences that really do count as a nudge, on the other hand it's easy to think of justifications that do meet the criteria, as is often shown within the examples. Should we want this wafer-thin difference between manipulation and benevolence to be the strive of media?

Maybe the intentions with which these kind of messages are written do differ, since these should be guided by objectivity, but are defensible as nudges too. The example of broadcasting around the referendum also shows that newspapers showed many different sides of the story. Maybe some newspapers argued more on one side than others, but you could find a lot of different perspectives, which can be argued as making it quite objective as well. However nudges are still all over the place and thereby, as Gigerenzer already stated: quite problematic. This might make objectivity better than nudging, or at least less dangerous.

2) Striving towards nudging is difficult to do since it is often unclear what to strive for. So the problem of nudging lays not only within its definition, but also in defining the objective welfare (or in the case of media at least). As the examples showed there are many subjects without an objective

truth. When looking at the frameworks of Strömbäck you could say the media should be like a mirror for competitive and procedural democracy, while it may push a bit towards participation and deliberation in the other models, since those are the higher goals we could aim for. But what about real world examples like the refugees and the referendum? The media has a wide range of people as audience. It can be assumed they reach almost everyone. It is difficult to find subjects with an objective well-being within such a broad range. All citizens will receive the message in the same way and there is little space to focus on specific groups or to diverge the message to different receivers. The media is not something like a policy that has a certain and clear goal in mind that should solve a certain problem. It was already agreed upon that nudges have to be neutral and transparent and aimed at the objective well-being, so this is always difficult. Especially the example of refugees shows us this difficulty. It is almost impossible, when talking about societal/world problems and events, to get one truth, one reality and thus also one well-being. The media broadcasts about many subjects to many different people, how is it possible to define what exactly is happening to refugees, to exactly determine what way is the best to handle such a subject for people's well-being or autonomy. This makes nudging difficult because of two things:

2.1) maybe nudging is possible in certain situations, but it seems to be impossible to create a general rule about when it is and when it isn't possible. Without a common rule it is difficult within, for example, news to make it clear to people when they are being nudged and when they aren't. People can be expecting pure facts, while they are nudged, which would make nudging and manipulating quite similar by a lack of transparency.

2.2) Since it is impossible to agree about certain world views, there is not just one perspective on what is right. It is true that you can't be complete and like exact truth, but what is the objective welfare within difficult subjects? A subject like refugees or war seems to be ill-suited for nudging as well. The only possibility is to map different arguments to make a debate more rational. A newspaper that maps every subjects would be very difficult and long and the amount of possibilities is not that high. This makes nudging to overcome the objectivity problematic since it has just as many problems as objectivity.

3) Media should be careful when striving towards something like nudging, which in a certain way is also a kind of political correctness. When you talk about nudging openly it is possible that people become stubborn or even disillusioned if they don't match the thought where should be strived for. For example Ely, Mayerson and Davidson (2006) wrote about importance of 'negativity'. If people

have the feeling that you have to be careful when talking about 'prudent' subjects, because you for example are likely to be called a racist, taboos will be created and people will stop talking about what they really feel. Researchers will stop researching such subjects just to avoid the risk. That way a discussion vanishes. It is therefore important to keep subjects open, since not talking about it doesn't solve problems. Also the literature of Mouffe is interesting when thinking of for example refugees. Mouffe (2000) argues that it is impossible to harmonize the point of views of everyone, especially those of liberals, defending human rights and liberty and the people who are more prone to the democratic ideal of equality. Within the contemporary society we are however focusing too much on compromises and shared views while politics should be open to speak about differences and opposites. That way it is possible to speak about difficult subjects like colleagues. It would be accepted to disagree and to have that conflict of views, instead of having to search for a compromise. When it isn't possible to discuss these subjects, people will become frustrated and then the inevitable us-vs-them feeling will lead to hostility. This could for example result in the increase of support for populist parties, who speak towards that feeling and try to make it even stronger. Shamefully, it is not within the goal of this thesis to fully to extensively elaborate on the view of Mouffe², but it is sufficient to understand that it seems to be important to be prudent with striving towards a certain vision or common good within an outlet as the media.

4) Especially the democratic corporatist model as seen in The Netherlands expects a certain amount of neutrality within reporting. This could be less in liberal models (since it is more commercial) or in the polarized pluralists (since more intervention of state is expected). It is possible to strive for nudging, but it should be very transparent to make people know this is being done. When people do not know they are nudged and are unaware that their information is framed in a certain manner, they are not able to easily avoid the nudge. In this case it would be impossible for libertarians to agree. In this case the postbus 51 can be interesting. That actually is an example of the Dutch government trying to nudge WITHIN media. The government primes certain subjects they consider important within advertisement blocks on television. For example subjects like respecting the environment, respecting the freedom of religion or female emancipation. Most of those primes were quite known and some are even criticized because they wouldn't be neutral enough. For example the socialist party accused the government of promoting the euro within such broadcasts. (SP, 1997) These broadcasts still exists, although they have another name now. These broadcasts are also not without restrictions. It is only possible to broadcast about policies and events that are accepted by the parliament. When this isn't the case, the broadcast may only be focused on pure facts and with

² If interested in all thoughts and nuances of Mouffe I refer to her book, the Democratic Paradox (2000), or The 'End of Politics' and the challenge of Right-wing Populism. (2005).

the government as source. Besides that it should be broadcasted proportional with other subjects and it should be clear in which stage of decision-making the policy is. So it is not meant to promote certain policies like organ donation (Rijksoverheid, 2016). It is just meant to promote policies that are already put in to motion, and that are in the best interest of the country (or, that is what we hope for when parliament accepts things). They may ask if you have filled in the organ donation forms, which is a policy. They may not promote becoming a donor. This factual and recognizable priming is perhaps most desirable when you want to implant more nudges in a transparent and safe way. Other visions are not removed, but the vision that is seen as the most rational or correct is recognisably broadcasted to the people as the right thing to think of, or to do. On the other hand even this solution shows that some extra restrictions for nudges could be useful before implementing them, since even these 'advertisements' are subject to debate.

In short, my conclusion would be that objectivity is indeed impossible but striving to nudging doesn't appear to be the solution either. Nudges are meant to improve welfare, and we accepted the fact that it is possible to find subjects in which there is an objective welfare. However, welfare sounds quite vague and broad when applying this to media. This together with the vagueness of the exact boundaries of nudging would mean that we could start going down a slippery slope without even knowing it. This vagueness, and thereby danger, becomes far more clear when thinking of the media than by just discussing it theoretically. And still, governments and schools should also serve everyone, just like media does, which shows that the media is quite an interesting case to test nudging on. Therefore, the conclusion for me would be that nudging doesn't seem to be the noble strive that media should consider.

It would however be a loss when there won't be more research about which use nudges could have in the media. Not only in issues like democracy and increasing engagement, but definitely also in issues like racism and religion. If small changes in frames around these issues, or just some more attention, could have a huge difference, it seems to be at least something we should think more about. We should be far more careful with nudges and we should think more about which nudges and subjects exactly match the conditions to be really accepted by both paternalism and libertarianism. Otherwise a nudge is just another word for manipulating, without being criticized for it. Conditions like akrasia, inertia, queasiness and non-frequent issues do already impose some boundaries, but these still do not ensure that a certain view is THE view. A basic pension is quite universal since people probably need it to survive when they aren't able to work anymore, and could be promoted (although you can believe that family should help instead). Smoking is considered as very dangerous for health and therefore the healthcare costs and could be mentioned like that for that reasons, but how many scientific truths exist when talking about societal subjects? People can

even have their own reasons to prefer other behaviour when faced with scientific truths. Thus striving for objectivity, although it is impossible to achieve, still seems to be safer than nudging. This doesn't mean however we should totally stop nudging. It shows that to safely implement nudging within institutions like media, we should be careful and should make the boundaries of nudging more clear. Now it seems to be too much like a concept that is accepted when the measurement doesn't sound very problematic and the goal is something we can really agree with. We easily accept nudges like using children drawings on traffic signs to make people drive slower, but do we accept that media primes certain subjects (and thereby others less) to show us that importance?

Is there another option imaginable?

When taking the two main arguments of Thaler and Sunstein it is indeed possible to say: nudging is inevitable, you always have frames, primes and biases, also in the media, so you should use it in a good way and therefore implement nudges. The other often heard argument when thinking about it practically is that nudging is far better than restricting choices or imposing certain defaults. This is absolutely true, but there is probably also something better than nudging. Just like objectivity seems to be impossible, but still seems to be a goal that is safer to strive for than nudging. At least in some cases and with certain issues nudging doesn't appear to be such a harmless solution. In liberal models however, where neutrality isn't as much of an issue nudging could already be more acceptable. Striving to rationalization could be done, but it seems to me practically impossible to extensively map each subject the media speaks off. If we want to debias, to rationalize and to be impartial and fair within other, we should maybe focus more on education in the issues that are about life-choices. With which I do not mean subjects like concentrating or peeing or not, but choices like if you have to be sustainable or healthy. When we really want to be impartial, to teach people to debias (as if that is even possible), Rebonato, Van Hees and Boven were right. Even Sunstein and Thaler are right: priming, framing and a lot of biases are inevitable. Pushing towards welfare however, is not. Many different actors push, so maybe if we look at the role of the media legally and by the models of Strömbäck, we should focus on teaching people how they are framed and primed. The media should focus on telling us what kind of frame is used and what other frame is also possible. Nudges could for example be implemented next to 'objectivity'. For instance by making a recognizable nudging page in the newspapers with interesting subjects, or facts about things that happened. To show that we judge a politician on his views on healthcare, but that it is also possible to look at other issues like economy or safety. That seems to be more in line with neutrality at least

Another option, perhaps even more realistic, is explicitly leaving the idea that news and messages are objective. To accept the fact that messages always do consist of a certain frame and prime, and that we ignore many issues. I do not argue we should stop trying and striving to be impartial, I argue we should stop pretending we are. Maybe then it could be possible to explain transparently that we use a nudge to help society as well as your own welfare, without causing problems. Nudging is not always the best way to overcome the non-objectivity because it feels like manipulating, but maybe, with a lot of transparency, we can find situations where we all agree it's a good idea. Maybe we could renew the goals of public broadcasts transparent, and thereby think of aims in the light of objective welfare to enable nudging within these broadcasts, or we could create sharper boundaries, create blocks of nudging like the Postbus 51 did or even far more inventive solutions.

Conclusion

To answer the question if nudging can be acceptable and desirable to use within media I started by elaborating on the concept of nudging and if this concept can indeed be accepted by both libertarians and paternalists. It became clear that nudging is about changing the choice architecture to help people choose the option closest to their objective well-being. It has to be noted that nudges should be neutral and transparent and that they should be easily avoidable: the choice-set must not be changed. By elaborating on this definition and on both paternalism and libertarianism it appeared to be possible to find a common ground on which nudging is acceptable for both libertarians and paternalists. As long as nudges truly aim at an objective well-being and do not infringe autonomy. At the same time I concluded that for deontological libertarians or paternalists it will be almost impossible to find a way to nudge, since the intention behind nudges is quite paternalistic and only the consequences could be judged as neutral. It is imaginable to find situations in which it is indeed possible to determine what's really in people's best interest. For example with inertia, queasiness, akrasia, and ignorance and especially when nudges are about debiasing and rationalization. These conditions, thought of by van Hees and Bovens, should be added to make sure that autonomy isn't harmed. This way nudging will become more acceptable for both libertarians and paternalists.

The chapters about media are mainly meant as a test case to see if nudging is acceptable when applying it to an institution like the media, and at the same time as an introduction in thinking about nudging and media together. Could nudging be a strive when objectivity doesn't appear to be possible? The most important source of influence by media seems to be found in the processes of framing and priming. These are two important processes in nudging as well. By giving certain frames or primes you influence decisions and since sending messages is basically everything that the media does, they can definitely nudge using framing and priming. Legally there are some restrictions for public broadcasting, but even those broadcasts are expected to promote, for example, national culture and national identity. This would mean they could use nudges to do so and that there is some space for nudging towards goals of objective interest. Even when nudges are seen as serving the objective interest it could create friction with the transparency rule: it will be difficult to explain to the people that the media aims to frame messages in a certain way to promote welfare. I argued this will, of course, also depend on the type of issues as well as the relevant country. Some countries are seen as less impartial than others when looking at media. So nudging could be desirable, especially when you want to promote democracy in a participatory or deliberative democracy, but at the same time it will be difficult and something that has to be thought through. Something that shows that nudging and manipulation aren't very different from each other and that we should be very careful with generalizing manipulations under the name of nudging.

Another problem is that identifying an easy avoidable, neutral, transparent goal that doesn't harm autonomy and strives for the objective welfare within media isn't that easy. There are a lot of different views on a lot of subjects. It is possible to think of goals like trying to make people less cynical about politics by little adjustments, or greener by giving the environment or sustainability a bit more attention or by framing what others do in order to be more green, but how impartial are those views? For media it could be more desirable to try to rationalize and educate and to be very transparent about which frames and primes they use, to educate people about their biases. Especially because people are pushed by many actors within the media and other real life aspects.

I want to conclude that if we want to think about nudges in the light of media and want to know if there are possibilities, we should stop saying that media is objective. It isn't, it should of course try to be as objective as possible and should be independent, but it is not objective. When that is explained and accepted, explaining and debating nudges will be possible and probably a transparent way of introducing them could be found. I mentioned as examples a specific nudge page within newspapers or a transparent debate about new aims for public broadcasts where we can agree on for which aims nudges could be used. However, as long as there are no more clearly defined boundaries in which a nudge is indeed both libertarian and paternalist, we should be very careful that nudging, just because it sounds better than manipulation, doesn't become a term to justify manipulation.

Critical reflection and suggestions for further research

Since it was mainly my goal to test nudging on a practical case like media, and therefore to introduce the topic of media within the field of nudging, I couldn't address all different definitions and categories that are made within the nudging debate. The literature is very extensive and spread out over a lot of different disciplines. Addressing all those points of view could become a book in itself. I definitely think that an extensive overview, and with that probably a more sharply defined concept of nudges, could be very useful and I can only encourage others to start or continue to write about it from a critical perspective. Sometimes nudging seems to be used as a term to hide manipulations and thus justify manipulation as acceptable, while nudging could be very useful and an interesting compromise between libertarians and paternalists. The thin line can only be defined by more elaboration from different points of view and in different fields on this subject.

Applying the subject of nudging to media seemed to be an interesting subject. It was my goal to introduce the subject and at the same time some thoughts about it, and I am aware that a lot more could be said. It is an extensive subject and a complicated question if and how nudges should and could be implemented. This introduction can be seen as an invitation to do so. I aimed to bring certain views forward, but there is a lot of room left to elaborate on. Theoretically and practically, for

example about, nudging within the social media or if nudging is a better strive when media is not neutral anymore, like in liberal models.

References

Albert Heijn (2016), Persbericht Albert Heijn reduceert suiker en introduceert friswaizer, geraadpleegd op 1 oktober 2016: <http://www.ah.nl/over-ah/pers/persberichten/bericht?id=1572564>

Alliet, V (2010) Etnische Identiteit in de Multiculturele Samenleving, Een onderzoek naar de positionering van tweede generatie Marokkaans-Nederlandse jongens in Nederland met betrekking tot de Marokkaanse cultuur, de Nederlandse samenleving en het islamitische geloof, Utrecht <http://igitur-archive.library.uu.nl/student-theses/2010-0719-200202/Valerie%20Alliet%20-%20BCAscriptie3002055.pdf>

Barton, Adrien & Grüne-Yanoff, Till (2015) From libertarian paternalism to nudging - and beyond. *Review of Philosophy and Psychology* (online).

Bennett, W. L., & Iyengar, S. (2008). A new era of minimal effects? The changing foundations of political communication. *Journal of Communication*, 58: 707–731.

Blumler, J. & Kavanagh, J. (1999) The Third Age of Political Communication: Influences and Features. *Political Communication* 16(3), 209-230.

Bovens, L. 2009. The ethics of nudge. In Preference change, ed. T. Grüne-Yanoff and S.O. Hansson, 207–219. Netherlands: Springer.

Cappella, J.N., & Jamieson, K.H. (1997). *Spiral of Cynicism*. New York: Oxford University Press. 51

Chong, D., & Druckman, J. N. (2007). Framing Theory. *Annual Review of Political Science* 10, 103-126.

Van Cuilenburg, J. J., Scholten, O., & Noomen, G.W. (1991). *Communicatiewetenschap*. Muiderberg: Coutinho.

Van Dalen, A. (2012). Structural bias in cross-national perspective: how political systems and journalism cultures influence government dominance in the news. *The International Journal of Press/Politics* 17(1), 32-55.

Danesi, M. (2004). *Messages, Signs, and Meanings. A Basic Textbook in Semiotics and Communication*. Toronto: Canadian Scholars' Press Inc.

Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (New York: OUP, 1997)

De Gelderlander (Mei 2015), Radboud Universiteit start met Meat Free Mondays, Geraadpleegd op 7 mei 2015: www.gelderlander.nl/extra/dgstudent-024/radboud-universiteit-start-met-meat-free-mondays-1.4907507)

Druckman, J. N. (2004). Priming the Vote: Campaign Effects in a U.S. Senate Election. *Political Psychology* 25(4), 577-594.

Ely, R.J., Meyerson, D.E., Davidson, M.N. (2006) Rethinking Political Correctness, *Harvard business review*, 84, 9, 78-87

Fateh-Moghadan and Gutmann (2014), Governing [through] Autonomy. The Moral and Legal Limits of "Soft Paternalism, *Ethic Theory Moral Prac*, (2014) 17:383–397

Fischer and Lotz, (2014), Is Soft Paternalism Ethically Legitimate? - The Relevance of Psychological Processes for the Assessment of Nudge-Based Policies, No 05-02, Cologne Graduate School Working Paper Series, Cologne Graduate School in Management, Economics and Social Sciences

Fox-Genovese, E., Scanlon L. (1995) Two Views: Debating Political Correctness, *Academe*, 81, 3, 8-15

Gigerenzer, G. 2015. On the supposed evidence for libertarian paternalism. *Review of Philosophy and Psychology*

Guala, F., and L. Mittone. 2015. A political justification of nudging. *Review of Philosophy and Psychology*.

Hagman, W., D. Andersson, D. Västfjäll, and G. Tinghög. 2015. Public views on policies involving nudges. *Review of Philosophy and Psychology*.

Hall, S.(Ed.)(1997).Representation. Cultural Representations and Signifying Practices. London SAGE Publications Ltd.

Hallin, D. C., & Mancini, P. (2004). Comparing media systems: Three models of media and politics. Cambridge: Cambridge University Press.

Hansen and Jespersen (2013), Nudge and the Manipulation of Choice, A Framework for the Responsible Use of the Nudge Approach to Behaviour Change in Public Policy, *European Journal of Risk Regulation*, 1. 3-28

Hausman, D.M., and B.Welch. 2010. Debate: to nudge or not to nudge. *Journal of Political Philosophy* 18(1): 123–136.

Harcup T. and O'Neill, D (2001) 'What is news? Galtung and Ruge revisited', *Journalism Studies*, 2 (2), pp. 261–280

Van Hees (2009), Liberaal paternalisme en de waarde van vrijheid, in: *De Overheid als keuze-architect*. Ed. I.D. de Beaufort. M.A. Hajer, M.V.B.P.M. van Hees, . A. Klink, H.M. Prast, R.H. Thaler, 35-42, De Wetenschappelijke Raad voor Regeringsbeleid: Den Haag

Holbert, Garrett and Gleason (2008), A New Era of Minimal Effects? A Response to Bennett and Iyengar, *Journal of Communication*, 60: 15-34

Ikea, (2015), IKEA vervangt frisdrank door fruitwater, geraadpleegd op 7 mei 2015: http://www.ikea.com/nl/nl/about_ikea/newsitem/IKEA-vervangt-frisdrank-door-fruitwater-in-restaurants

Iyengar, S. (forthcoming). *Priming theory*. Palo Alto: Stanford University.

Kahneman and Tversky, 1981, "The framing of decisions and the psychology of choice", *Science* p. 453-458.

Kahneman, D. 2011. *Thinking, fast and slow*. London: Macmillan.

Kymblica, W. (2002). *Contemporary political philosophy* (2nd ed.). Oxford: Oxford University Press.

van Leeuwen, B (2003) *Erkenning, identiteit en verschil: multiculturalisme en leven met culturele diversiteit*. Leuven: Acco, 2003.

Leckenies and Malecka (2015), The Institutional Consequences of Nudging – Nudges, *Politics, and the Law Rev.Phil.Psych.* 6: 427

Li, M. and Chapman, G. B. (2013), Nudge to Health: Harnessing Decision Research to Promote Health Behavior. *Social and Personality Psychology Compass*, 7: 187–198.

McCombs, M. E., & Shaw, D. L. (1972). The Agenda-Setting Function of Mass Media. *The Public Opinion Quarterly* 36(2), 176-187.

Mills, C. 2015. The heteronomy of choice architecture. *Review of Philosophy and Psychology*

Mitchell, G (2005), Libertarian Paternalism Is an Oxymoron. *Northwestern University Law Review*, Vol. 99, No. 3.

Mouffe, C. (2000) *The Democratic Paradox*. 1e druk, Londen: New left books.

Mouffe, C (2005). The 'End of Politics' and the challenge of Right-wing Populism. In: Panizza, F , *Populism and the Mirror of Democracy*, (pp.50-71) Verso.

Nagatsu, M. , 2015, Social Nudges: Their mechanism and justification, *Rev. Phil. Psych*, 6: 481-494

Nederlandse regering (2014), Associatieovereenkomst tussen de Europese Unie en de Europese Gemeenschap voor Atoomenergie en haar lidstaten, enerzijds, en Oekraïne, anderzijds (met bijlagen, protocollen, gezamenlijke verklaring en slotakten), Geraadpleegd op 5 oktober: <https://zoek.officielebekendmakingen.nl/trb-2014-160.pdf>

Neuman and Guggenheim (2011), The Evolution of Media Effects Theory: A Six-Stage Model of Cumulative Research, *Communication theory*, 21: 169-196

Nu.nl (2015), Den Haag overweegt meer calorieën borden te plaatsen, Geraadpleegd op 7 mei 2015: <http://www.nu.nl/gezondheid/4087797/haag-overweegt-meer-calorieenborden-plaatsen-.html>

Patterson, T. E. *The Vanishing Voter*. New York: Knopf, 2002.

Prins, B.(2004). *Voorbij de onschuld, Het debat over integratie in Nederland*. 2e druk, Amsterdam: van Gennep.

Raad van de Journalistiek (2013) Code van de Raad van Journalistiek, geraadpleegd op 1 oktober 2016: (<http://www.rvdj.be/sites/default/files/pdf/journalistieke-code.pdf>)

Rebonato, R (2014), A Critical Assessment of Libertarian Paternalism, *Journal of Consumer Policy*, 37, 3, pp 357-396

Rebonato, R. (2012). *Taking liberties—a critical examination of libertarian paternalism*. London: Palgrave MacMillan.

Rijksoverheid (2016), Het communicatiebeleid van de overheid, geraadpleegd op 1 oktober 2016: (<https://www.rijksoverheid.nl/onderwerpen/overheidscommunicatie/inhoud/communicatiebeleid-van-de-overheid>)

Rizzo, M.J., and D.G. Whitman (2009), The knowledge problem of new paternalism. Brigham Young, *University Law Review* 9(4): 905–968..

Scheufele, D. A., & Tewksbury, D. (2007). Framing, Agenda Setting, and Priming: The Evolution of Three Media Effects Models. *Journal of Communication* 57, 9-20.

Semetko, H. A., & Valkenburg, P. M. (2000). Framing European Politics: A Content Analysis of Press and Television News. *Journal of Communication* 50(2), 93-109.

SP, 2016, Postbus 51 verbouwd tot "ministerie van euro-propaganda" geraadpleegd op 7 oktober 2016: <https://www.sp.nl/nieuws/1997/04/postbus-51-verbouwd-tot-ministerie-van-euro-propaganda>

Strömbäck, J. (2005). In Search of a Standard: Four Models of Democracy and their Normative Implications for Journalism. *Journalism Studies* 6(3), 331-345.

Sunstein, C.R., and R.H. Thaler. 2003. Libertarian paternalism is not an oxymoron. *The University of Chicago Law Review* 70(4): 1159–1202.

Sunstein. and Thaler, R.H., 2008. *Nudge*. New Haven: Yale University Press.

Sunstein, C.R. 2014. *Why nudge?: The politics of libertarian paternalism*. New Haven: Yale University Press.

Tresch (2009). *Politicians in the media: determinants of legislators' presence and prominence in Swiss newspapers*

UNESCO and World Radio and Television Council, 2001, *Public Broadcasting – Why,how?*

Wright. M, *The manipulation of choice*, Palgrave Macmillan

Zaller, John (2003) "A New Standard of News Quality: burglar alarms for the monitorial citizen", *Political Communication*, 20(2), pp. 109_31.