# 1. Introduction to the *Handbook of Behavioural Change and Public Policy*

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Over the past decade behavioural public policy[1] has spread inter- and transnationally (see the contributions in part II of this volume). Based on a survey conducted in 23 countries, the OECD (2017, p. 13) concluded that behavioural insights in public policy seem to be more than a 'fashionable short-term foray' and 'have taken root in many ways across many countries around the world and across a wide range of sectors and policy areas'. The World Bank (2015), the European Commission (Lourenço et al. 2016) and the United Nations (2017) have all documented their efforts to implement behavioural insights and interventions in a wide variety of policy areas such as development, taxation, energy, mitigation of climate change, sustainable consumption, pensions, public health, employment, poverty, gender mainstreaming and anti-corruption policy. While the US, the UK and Singapore are among the forerunners, modes of behavioural public policy can nowadays be found in many countries across Western Europe, Central America, Asia, Africa and the Middle East.

The motives and mechanisms behind this worldwide spread of behavioural interventions have been interpreted in different ways. Some observers are sceptical and compare the diffusion of behavioural instruments and regulations in a relatively short span of time to other fads and fashions of public sector reform such as the total quality movement in the 1980s or the new public management in the 1990s and early 2000s (Brunsson 2009). Some agree with the OECD (2015) in characterizing the use of behavioural approaches as a 'paradigm shift' in public policy, a change that is based on both the 'behavioural revolution' in economics and the social sciences and the capability of behavioural scientists to 'translate' their claims into easily understandable ideas and devices for public policy (John 2018). Others criticize the behavioural movement as the latest expression of neoliberal governmentality incorporating all the characteristics of a 'post-democratic' age such as scientization and technocracy, individualization and self-management, marketization and deregulation, depoliticization and economization (Jones et al. 2013; Whitehead et al. 2017). Behavioural public policy is not simply a tool. In many ways, it raises pressing questions about how we imagine the future relations between science, policy and society in a globalized world.

Despite an ever-growing amount of literature, however, there are only few systematic studies on the historical roots and developments of the behavioural change agenda in public policy, the modes and varieties of behavioural public policy across jurisdictions and policy areas, the causes for its inter- and transnational spread as well as its ethical and normative implications and its political consequences.[2] This handbook contributes to addressing this gap by mapping the terrain and bringing together scholarship from a wide variety of conceptual and analytic perspectives. Leading scholars in this field from various disciplines critically assess the co-evolvement of behavioural science and public

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policy from early experiments to recent strategies of behavioural public policy (part I), its proliferation and professionalization across countries (part II), the application of behavioural insights and instruments across multiple policy areas (part III), and the normative ideals and political pitfalls of behaviour change and public policy (part IV). The overarching goal of these combined efforts is to mirror the state of the art in current research with its different angles, approaches and normative assessments.

Behavioural public policy is a contested and historically changing concept (see part I of this volume). Given the emergence of research on behaviour in different scientific fields, there is a variety of definitions of what behavioural insights actually are and should be. Moreover, there have been multiple attempts to define the application of these insights in different branches of government, policy-making, regulation and administration. A more restricted understanding boils it down to the concept of nudging presented in Thaler's and Sunstein's (2008) influential book. From a broader perspective, behavioural public policy includes every policy initiative that is tested, informed or at least aligned to evidence from behavioural research (Lourenço et al. 2016). A third approach emphasizes the ways behavioural public policies are embedded in a normative debate about paternalism and its role for the relationship between citizens and the state (Le Grand and New 2015).

Behavioural public policy as understood in this handbook includes all means and modes of public policy aiming at influencing individual or collective behaviour[3] by using insights from behavioural economics, behavioural sciences, psychology or neurosciences. This entanglement of scientific and political claims, of analysing and governing behaviour is a common feature of all forms of behavioural public policy (Straßheim et al. 2015; John 2018). In behavioural public policy, expertise has become an essential resource for governing as it is supposed to establish and provide the scientific evidence for the behavioural change agenda. The Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel in 2017, honouring the work of Richard H. Thaler, highlights the growing impact of behavioural economics in both science and policy. For behavioural science and expertise the spread of behavioural interventions across the world gives evidence of its reputation and its capability to translate research findings into policy recommendations. Given this symbiotic relationship, behavioural public policy is an influential and highly representative case for understanding the multiple ways in which science and policy are co-evolving and, in effect, co-producing social and political order (Jasanoff 2004b; Beck 2015).

Beyond this common denominator, however, the landscape of behavioural public policy is extremely diverse (see part III in this volume). The spectrum of policy instruments is large, including efforts of political and administrative simplification to reduce the cognitive burden on citizens, education programmes for decisions under the conditions of risk and insecurity, techniques of social norms marketing, and behaviourally informed regulation to prevent industry from manipulating consumers (World Bank 2015; Oliver 2015). Nudges are arguably the most prominent subtype of behavioural public policy (Thaler and Sunstein 2008). Based on insights about behavioural biases and heuristics, nudges are specifically targeting the mechanisms of the cognitive system without resorting to either force or incentives. Since the 1970s, psychologists such as Amos Tversky, Daniel Kahneman, Baruch Fischoff, Paul Slovic and others have argued that mental shortcuts and other biases deviating from the model of rational behaviour are common in complex

situations (Kahneman et al. 1982; Sent 2004). Additional information is not always helpful because it might aggravate the problem. Nudges are supposed to make use of these biases to steer people's behaviour in the direction of their self-defined interest (see Guldborg Hansen, Chapter 5 in this volume) – mostly by re-designing the decision-making environment ('choice architecture'). Since choice architectures are ubiquitous and unavoidable, proponents argue that policy-makers should become designers of choice architecture (Thaler and Sunstein 2008). This is one of many reasons why behavioural public policy and approaches on policy design are closely interlinked (Jones et al. 2013). Today, many behavioural designs are commonplace: the rearrangement of food in cafeterias to focus our attention on healthy options; graphic warnings on cigarette packages; the fly in the urinal – these and other interventions have become part of everyday life (Peeters et al. 2013; Alemanno 2012; Shafir 2013). The taken-for-grantedness, even banality of some behavioural public policies suggests that ideas and instruments of behavioural change are already more widespread than it might seem. This could be one of the reasons why measuring their influence and impact is still a desideratum of research on governance and public policy.

Especially the long-term consequences, both intended and unintended, of nudges merging with our physical and social environment are still unclear. While some argue that nudges are only 'signposts' leading the way without prescribing it,[4] others insist that the behavioural agenda carries some more or less explicit normative understandings that could transform, if not undermine, the societal values of law, politics and democracy (see part IV of this volume). Indeed, the discussion on the libertarian and paternalist foundations of behavioural public policy revitalizes some classical reflections of political theory on problems such as self-binding and authenticity, autonomy and rationality, individual and collective wellbeing (Elster 2000; Offe 1992). This is not an abstract discussion: As a result, proponents of behavioural public policy have begun to argue for measures of happiness and subjective wellbeing as an alternative to structural indicators such as the GDP (Halpern 2009; O'Donnell et al. 2014). Today, wellbeing indicators have been implemented in the national statistics of more than 40 countries worldwide (Fleischer et al. 2016). It seems that the current struggle on how to define and measure political and societal progress as documented, for example, by the International Panel on Social Progress (IPSP) cannot be separated from the ways behavioural public policy is already influencing the debate on (re-)defining the purposes and goals of collective decision-making (Tomlinson and Kelly 2013; IPSP 2018).

The following sections give a brief introduction into the main topics. The contributions in this handbook open up various conceptual and empirical angles on the history, variation, application, and normative underpinnings of behavioural public policy. They indicate that the link between behavioural change and public policy should not be taken for granted. Instead, we suggest tracing the multiple ways behavioural public policy is constituted, translated and legitimized across policy areas and jurisdictions. This, in turn, is a precondition for understanding its impact, its political consequences, its internal contradictions and its larger role in the transformation of public policy.[5]

## PART I:   KNOWING AND CHANGING BEHAVIOUR: THE CO-EVOLVEMENT OF BEHAVIOURAL SCIENCE AND BEHAVIOURAL PUBLIC POLICY

Behavioural science and its use in public policy are often identified with the concept 'nudge' and the book carrying the same name, published by Thaler and Sunstein in 2008. Thaler and Sunstein have coined the concept and contributed to provide it visibility in scientific and public discourses around the world. Personalized by Thaler and Sunstein, the rise and uptake of behavioural public policy is often presented as a one-dimensional and linear trend. Although both contributed to shape the field and raise its visibility, the emergence of behavioural sciences and public policy has had many drivers and resulted in a variety of meanings and applications. One of those drivers is the Behavioural Insights Team in Britain (BIT). Founded in 2010 by the Cameron government, BIT has become a paradigmatic example for the translation of behavioural insights into public policy. In their detailed study on the rise of the 'psychological state', Jones and colleagues (2013) show that in the mid-1990s, think tanks such as Demos brought economists, psychologists, consultants and public policy experts from the US and the UK together in a series of workshops to search for modes and models of changing behaviour beyond the neoclassical understanding. After New Labour won the elections in 2001, insights from this exchange were integrated much more systematically and explicitly into the governmental strategy (COSU 2004). The Cabinet Office Strategy Unit (COSU) cooperated with multiple British ministries in experimenting with behavioural interventions. At the same time, Richard Thaler became an advisor to the Conservatives (Jones et al. 2013, p. 24). In 2010, MINDSPACE was published, an influential paper that deviates in both style and structure from the usual government reports. In order to set standards for future behavioural public policy, MINDSPACE combines insights from behavioural economics with principles for behavioural change interventions. By simplifying its message, using acronyms for identifying factors of behavioural influence and giving good practice examples, MINDSPACE is in itself a prototype of behaviourally informed design that has been of programmatic influence. After the victory of the conservative–liberal coalition at the elections in 2010, BIT was founded and integrated into the Cabinet Office. In the years to follow, it quickly expanded and has today more than 120 employees in London and in its branches in Manchester, Sidney, Singapore and New York. In 2014, it was privatized and is now jointly owned by the UK government, the NESTA foundation and its employees. BI Ventures, a team within BIT, develops digital products that address issues such as recruitment, online RCTs, designing behavioural interventions and individual goal attainment ('good habit lab').

   The case of the BIT is illuminating because it illustrates some of the mechanisms behind the rise of behavioural public policy. First, behavioural public policy has been and still is continuously co-produced by politico-administrative, scientific and other societal actors in boundary-crossing networks. The result is a circle of both collaborations as well as an emerging frame of reference for its members that help them to gain authority, reputation and relevance across multiple contexts. Second, organizations such as the BIT are 'multitasking mediators' (Botzem and Straßheim 2016). Professionalization is key. By bringing together expertise from various backgrounds such as behavioural sciences, psychology, economics, public policy, mathematics and cultural studies, they

cope with a multitude of tasks in different fields of specialization. In terms of structure and recruitment, many behavioural expert organizations resemble consulting agencies. Third, behavioural public policy reaches across a broad spectrum of political positions. Both Labour and Conservative governments have made use of behavioural insights. This ideological flexibility has certainly been helpful in spreading behavioural ideas.

The 'prehistory' (Jones et al. 2013) of behavioural public policy, however, reaches far back to the second half of the twentieth century when behavioural sciences and public policies to regulate behaviour co-evolved (see Graf, Lebaron and Rawat, Chapters 2, 3 and 4 in this volume). The emergence of the concepts flagged under the umbrella term 'behavioural insights' (BI) is embedded in several historical trajectories and contexts rather than converged into one pattern. Scholars in the fields of economics and public policy have long recognized the importance of behavioural processes and designed policy tools to address behaviour change. From the beginning behavioural economics has always been systematically related to policy issues, using its key heuristics as a source for suggesting behaviour changing interventions. Behavioural economists have extensively developed corrective procedures, modes of removing biases and instruments of behavioural intervention to improve collective judgment heuristics and risk perceptions as a core challenge for public management (Kahneman et al. 1982; APSC 2007).

The example of traffic safety regulation since the 1960s, however, shows that behavioural interventions evolved even before behavioural public policy or behavioural economics were actually conceptualized (for the following see Graf, Chapter 2 in this volume). Experts from the behavioural sciences and some early behavioural economists were influential in developing traffic safety regulation and road construction. Behavioural measures to influence and change people's conduct were also discussed in other policy areas such as environmental protection and health policies. In the early 1980s, experts discussed 'prompts and cues' to influence environmental and health behaviour. Some of these behavioural approaches to regulation were already common practice in many areas when behavioural economics started to gain prominence. Kahneman and Tversky were so especially successful because they found a way back into mainstream economics by continuing to accept '*homo economicus*' as a benchmark for economic behaviour (Sent 2004). While Herbert Simon had developed the alternative concept of 'bounded rationality', they kept the model of the *homo economicus* but focused on those instances in which empirically observable decision-making systematically diverged from it. As Graf argues, the decline of Keynesian approaches in the 1970s and the rise of neoliberal concepts in the 1980s, behavioural economics offered new opportunities for the state to intervene where markets had failed. From this long-term perspective, both behavioural economics and behavioural public policy need to be seen as part of a much broader historical movement to observe and regulate human behaviour.

An essential element in this broader context is the rise of economics as professional expertise. As Lebaron argues (Chapter 3 in this volume), these changes were not unidirectional and consisted of multiple dynamics such as the spread of economic indicators, the 'financialization' of economies, the increase in think tanks and consultancies, and the combination of different types of political, economic and epistemic authority. Economics has become a scientific subsystem strongly structured around a set of institutions of evaluation and consecration, with the 'Nobel memorial prize in economic sciences', so-called 'Nobel Prize' at its top. While the financial crisis from 2007 created a new

and ambivalent situation for economic expertise in general, it may have supported the proliferation of behavioural economics in the public sector. One of the reasons is that it offers a critique to and an alternative approach to orthodox economics whose hegemony was challenged during the financial crisis.

It took behavioural economics several decades to gain acceptance in both economics and public policy research (for the following see Rawat, Chapter 4 in this volume). Between 1950 and 1999 public policy research even took the lead in studying behaviour. This is very much in line with the observation that studies on behaviour and behavioural interventions in the public sector were already common before behavioural economics started its career (Graf, Chapter 2 in this volume). It was only as late as in the 2000s that economics caught up. Driven by the rise of behavioural economics there was a massive increase in behavioural studies that surpassed public policy research. In the past few years, this changed again when public policy increasingly began to adopt experimental methods beyond the laboratory. Geographically, behavioural studies were for a long time heavily based in the US. In economics after 2000, studies seem to have spread towards other European and Asian nations, with the highest number of Asian and African studies set in India and Kenya. In public policy research between 2010 and 2016, studies outside of the US are mainly from Denmark, the Netherlands and the UK as main countries. At least for this period of time, 'not a single study dealing with the behavioural aspects of public policy in the African continent exists' (Rawat, Chapter 4 in this volume). Interestingly, Rawat observes that both economics and public policy studies seem to be showing some partial convergence: public policy studies are using more experimental methodologies and insights from behavioural economics while behavioural economics increasingly study applications in a public policy context.

Today, behavioural public policy and related concepts such as nudge are at the core of a debate that challenges the foundational principles and traditional conceptualizations of public policy. As both Hansen and Howlett argue in this volume (Chapters 5 and 6, respectively), the established ways of thinking about public policy and its implementation have been congruent with a utilitarian, rationalist orientation 'which has been generally pervasive in the policy sciences from the very founding of the discipline' (Howlett, Chapter 6 in this volume). The result has been the inability of rational approaches to public policy and regulation to cope with complex problems, policy failures and variations in compliance. Alternative concepts of public policy are addressing these limits: nudging is only one of many efforts to better understand the complexity of individual and collective behaviour such as co-production, deliberation, faith-based public services or social marketing. What sets nudging apart from these approaches, however, is that it both presupposes and 'exploits' these seemingly irrational behaviours by making use of cognitive boundaries, biases and habits in order to influence people to act 'in their own self-declared interests' (Hansen, Chapter 5 this volume). Other strategies (see Hansen) involve the exaggerated use of traditional regulatory approaches in light of severe behavioural problems such as massive taxes on cigarettes ('push') or the regulation of activators of biases, for example by banning pre-ticketed boxes in online businesses ('clear'). Whatever we might think of nudging or other behavioural approaches, they teach us that biases and bounded rationality have serious implications for both citizens and policy-makers. One of the key challenges for future developments may involve a constant evaluation not only of nudges and related instruments but also of the policy-makers themselves in order to

detect and avoid biases in decisions and policy-making. Moreover and in a more general sense, policy-makers need to be aware that the success (or failure) of governing depends on citizen's perceptions of – and judgments about – their credibility, legitimacy, cupidity and competence (Howlett, Chapter 6 in this volume).

## PART II:   NUDGING AROUND THE WORLD: PROLIFERATION AND PROFESSIONALIZATION

The very fact that behavioural science turned behaviour into a universally accepted concept (Graf, Chapter 2 in this volume) leads to the expectation towards integrated scientific approaches and standardized procedures gaining ground internationally. Expanding the base of shared knowledge will promote, as the argument goes, transnational convergence and uniformity. The emerging research on the spread and diffusion of behavioural public policy paints a more complicated picture. It also explores how behavioural science is operating in and embedded into complex regulatory regimes embracing multi-level, decentralized decision-making processes; interaction between states and networks of non-state actors; and modes of societal coordination (Jordan et al. 2015). Indeed, regulatory approaches to global issues, from climate change to food safety, are increasingly operating through pluralistic, overlapping, and fragmented regimes (Beck and Mahoney 2018; Keohane and Victor 2011; Abbott 2012; Kuyper et al. 2017). Science and multi-level governance is also a key theme in the study of the European Union. In relation to energy, taxation and land-use planning, Member States have insisted on preserving a high degree of autonomy – 'subsidiarity' in the language of the EU – meaning that the Commission's competence to propose common policies is still relatively limited. As a consequence, it is an empirically open question whether the use of behavioural insights may override deeply seated and institutionalized modes of policy-making or create spaces for the protection of local values and local autonomy and thus contributes to institutional fragmentation (Jasanoff 2013).

Indeed, recent research shows that the 'varieties of behavioural public policy' (Straßheim 2017a, p. 220; Lourenço et al. 2016; Whitehead et al. 2017) are multifaceted and complex. Utilizing a set of policy proxies and tropes, Whitehead, Jones and Pykett argue (Chapter 7 in this volume) that behavioural public policy in a broad sense (i.e. behaviourally-tested, behaviourally-informed and behaviourally-aligned policies) have travelled around the world to a great extent. According to their study, behavioural sciences have some impact on public policy delivery in 135 independent states (and Taiwan). Reaching across a broad spectrum of policy areas, more than a half of the states have developed centrally directed policy initiatives. In contrast, South (but not Central) America, parts of Eastern Europe and large portions of the Middle East are all characterized by an absence of behavioural public policies. Inter- and transnational organizations such as USAID, AusAID, UNICEF, the World Health Organization, and the United Nations Population Fund, but also NGOs and multinational organizations are playing an important role for the diffusion of behavioural approaches in regions such as Africa. A critical geography of behavioural public policy can highlight not only the geographical variations and adaptations, but also the forces shaping these differences.

In a similar vein and based on their influential report 'Behavioural Insights Applied

to Policy' (Lourenço et al. 2016) Ciriolo, Lourenço and Almeida (Chapter 8 in this volume) are reviewing behavioural public policies and institutional developments across 32 European countries. Behavioural insights, they argue, are not confined to nudges and may support a broad range of policy instruments including more traditional forms. As the example of road safety policy illuminates (see also Graf, Chapter 2 in this volume), European legislators may have taken results from behavioural studies into account when they decided in 2006 that wearing seatbelts for all vehicles across the EU should become compulsory. At the EU level, the integration of behavioural insights began in 2008 in consumer and competition policy. In 2010, the European Commission started to carry out studies and collected behavioural evidence in multiple policy areas such as financial services and tobacco, energy labelling, online gambling and food information. Since May 2017, the European Commission has been training public officials in behavioural sciences. Moreover, an overview on very recent applications of behaviourally-tested interventions in European countries shows that even in this narrow category of explicit behavioural public policies initiatives are covering a broad spectrum of areas and topics ranging from consumer protection and competition policy, energy and environment, finance and taxation to public health, welfare and employment.

Again, these and other observations on the spread of behavioural public policies across Europe raise questions about the modes of diffusion, the motives of public policy professionals and the degree of uniformity. In countries such as the UK, Ireland, Norway or Denmark the adoption of behavioural approaches is proceeding at a speedier rate; in others such as Germany, the Netherlands, France or Italy the picture is more scattered and decentralized; a third group of countries such as Austria or Luxembourg is more or less absent from behavioural public policy-making (see Ciriolo et al. and Alemanno, Chapters 8 and 10, respectively, in this volume). Analysing the development of a new occupation of behavioural experts in specific institutional settings and the multiple ways these actors are interlinking science and policy may help to uncover some of the underlying mechanisms of this uneven spread. Feitsma and Schillemans (Chapter 9 in this volume) reveal that in the case of the Dutch government profession is still in its infancy and currently more fragmented than cohesive. Behavioural experts build and legitimize professional boundaries to develop their knowledge, position, standards and identities. Not all behavioural experts are organized in teams such as the BIT in the UK; as in the Dutch case, they may collaborate in a loose form of informal networks, knowledge exchange groups, working groups or strategic projects. Despite these less coherent organizational forms, experts draw on a cohesive core of ideas, books, reports, and role models. They share little uniform standards and struggle with the tension between autonomy and integration in existing structures. In the system of relatively autonomous government agencies in the Netherlands, behavioural expertise will most probably remain fragmented. These findings are important, because they open up venues for understanding the influence of different administrative cultures and government institutions on the professionalization of behavioural public policy in Europe and beyond (on the British and German case see Straßheim et al. 2015).

In the multi-level system of the European Union the future developments and political consequences of both the proliferation and professionalization of behavioural public policies are difficult to assess (see Alemanno, Chapter 10, Leone and Tallacchini, Chapter 11, and Zuidhof, Chapter 12 in this volume). The European Commission's in-house

science service, the Joint Research Centre (JRC), has tasked the EU Policy Lab, a multi-disciplinary team, and its Foresight and Behavioural Insights Unit (FBIU) with exploring and re-examining policy issues in the fields of foresight, behavioural insights and policy-design. In order to fulfil these functions, the Policy Lab is supposed to coordinate existing behavioural research capacities at the JRC and at EU agencies and to take stock of past experiences with behavioural public policies. It organizes thematic workshops with different Commission services on policy issues from a behavioural perspective, offers training modules and engages with DGs to policy implementation problems and solutions from a behavioural perspective. It also works on including behavioural insights into the policy cycle and to develop standards for behaviourally informed policy-making and regulation as part of the Better Regulation initiative. The Better Regulation Toolbox, issued in 2015, is more or less systematically referring to behavioural insights as integral elements of evidence-based policy.

As Alemanno argues, however, there are certain tensions and limitations constraining the use of behavioural public policy in the European Union. Given that efforts to nudge citizens in the direction of 'good behaviour' are already facing public criticism on the national level, their application on a supranational level might turn out to be even more difficult. The EU is an administrative entity that has virtually no direct contact to its citizens and it shares its citizenry with the Member States. As a result, 'several visions of what a "good citizen" is – or ought to be – tend to compete' (Alemanno, Chapter 10 in this volume). On the other hand, the EU has used instruments such as the internal market and EU citizenship to redefine what is good for citizens and to shape both national and EU lifestyle policies in relation to tobacco, alcohol and diets regardless from which country in Europe they are coming. The technocratic character of EU law making may also be conducive to the uptake of approaches informed by behavioural evidence. While the EU vision of citizenship has, at least in principle, been committed towards active citizen participation, the appeal of behavioural public policy to the EU might result from its implicit technocratic and top-down character. The fate of nudging in the EU, as Alemanno concludes, 'appears as intertwined with its political dimension as it is with its social-scientific one'.

Focusing on this contradictory meaning of European citizenship, Leone and Tallacchini show that behavioural public policies fail to take the full meaning of citizenship into account. In its transformation to a political community, the concept of citizenship has been considered as a key element in legitimizing innovation in the EU both from the epistemic and the normative point of view. This role, however, has remained mostly theoretical, if not rhetorical; nonetheless, the pressures to speed-up governance in Europe have led to new regulatory soft practices (such as nudge) that challenge citizenship. Two examples, dealing with health and digital privacy, where citizens are treated as 'objects of concern and control', reveal some of these ambiguities. In order to rethink nudging as a more legitimate form of normative innovation, Leone and Tallacchini propose the notions of Participatory Design and Rights-in-Design as ways to open up and reframe choice architectures by granting more robust epistemic and democratic credibility. This includes the reference to the term 'citizen' rather than 'consumer' in order to frame the discourse in a broad political and social perspective, where learning how to collectively contribute to a better society is a primary concern. If regulation is increasingly seen as a 'learning process', citizens should participate in designing this process. This suggestion

might resonate with some more recent ideas on combining nudges with feedback mechanisms, greater transparency and modes of citizen deliberation (John 2018).

Given that in the European Commission behavioural public policies typically move through expert channels such as the EU Policy Lab, such political considerations about citizen involvement might not resonate easily within the EU (see Zuidhof, Chapter 12 in this volume). One could indeed argue that behavioural interventions are produced by and at the same time reproduce a complex environment of interdependencies between administrative professionals and scientific experts, leading to a quiet depoliticization of policy-making and market regulation. Moreover, nudging and similar approaches prove to be especially suitable in contexts were the EU has only limited competences and would otherwise be confronted with considerable political obstacles. They may challenge the fragile democratic achievements of the EU. The recent call by the Group of Chief Scientific Advisors, however, for getting a better understanding of 'biases in doing science' and of situations in which 'evidence utilisation can shift the political debate to particular questions or concerns in a non-transparent way' could be interpreted as a first sign of a critical discussion on the technocratic foundations of EU policy-making from within the system of professionals (EU Commission 2018).

## PART III:   BEHAVIOUR INSIGHTS AND INSTRUMENTS IN POLICY-MAKING

The contributions of part III in this volume explore the particular nature of policy tools based on behavioural insights and relate them to traditional policy instruments such as regulatory and market-based interventions. In order to capture their innovative character and identify their common features, research is conducted in a broad range of fields such as public health (Quigley and Farrell, Chapter 14, and Loer, Chapter 13 in this volume), sustainability (Bornemann and Burger, Chapter 15 in this volume), pension policy (Weaver, Chapter 16 in this volume), development policy (Berndt, Chapter 17 in this volume), employment (Tosun and Hörisch, Chapter 18 in this volume) and taxation (Botzem, Chapter 19 in this volume). They all address the question whether the behavioural approach to government tools is fit for function to address emerging challenges in an effective and legitimate way. They also raise questions as to how behavioural public policy impacts upon broader issues concerning evidence-based policy and political legitimacy and contributes to transforming politics and policies.

Probably one of the more important advances in public policy studies was the notion that different programmes and tools of government are based on a limited number of mechanisms – mechanisms that form the very basis of public policy. A classical typology is the NATO scheme (Nodality, Authority, Treasure, Organisation) which has later been extended in numerous variations (see also Loer, Chapter 13 in this volume). While some argue that nudges and similar behavioural interventions are fundamentally different from this traditional set of instruments and therefore need to be conceptualized as a further extension of public policy, Peter John and others have pointed to the fact that all public policy interventions are embedded in an informational context (John 2013). From this view, behavioural public policy is a specific style of interpreting and restructuring the informational context of both novel as well as conventional instruments of governing.

The consequences are far-reaching as they do not only concern the potentials and limits of behavioural public policy but also the political and social perceptions of public policy in general.

Kathrin Loer (Chapter 13 in this volume) echoes this debate by arguing that behavioural insights in public policy transform existing instruments in a way that changes our understanding of the underlying mechanisms. Very much in line with the contributions by Hansen and Howlett, Loer shows that most of the existing instruments in public policy have been conceptualized without taking into account the biases and bounded rationality of target behaviour. Behavioural insights, however, give a 'spin' (Loer, Chapter 13 in this volume) to policy instruments. Applying the findings of behavioural research in policy-making requires shifting the focus on the addressee and the question why they behave the way they do. They enhance the visibility of a variety of environmental and cognitive factors that influence people's preferences and decisions. Heuristics such as mental accounting, sunk-cost effects, availability, salience or anchoring are relevant for policy design across the whole spectrum of instruments and instrument combinations and not only for nudging-type interventions. The most recent 'sugar tax' in the UK could be seen as a case in point (Hallsworth et al. 2016).

In public health, the result of this 'spin' has been an increasing focus on promoting individual behaviour change in relation to 'lifestyle risks' caused by tobacco, alcohol, and dietary factors. Muireann Quigley and Anne-Maree Farrell (Chapter 14 in this volume) critically examine how the political context frames the use of nudges and thus impacts the use of behavioural insights in public policy. Drawing on health promotion and organ donation, they show how the use of behavioural insights in public policy has led to a mismatch between policy intent and implementation. Behavioural health promotion is focusing too much on individual lifestyle preferences, with insufficient account being taken of the wider social determinants of health. Policy-makers may be motivated by the fact that health interventions which focus on individual lifestyle risks may be quicker and easier to implement than the sustained effort required to alleviate poverty in vulnerable populations.

Sustainability has become another policy area in which behavioural insights and interventions are used more frequently (Bornemann and Burger, Chapter 15 in this volume). The focus is on those (Western) consumption behaviours that are thought to be responsible for the unsustainable pathway of the global human society. Within subfields such as household energy use, mobility, food consumption, shopping behaviour, tourism or waste production interventions have been tested in randomized controlled trials, small-scale labs and field experiments. Bornemann and Burger argue that both advocates and proponents of behavioural interventions tend to overlook the normative and evaluative dimensions of multiple sustainability concepts such as justice-based, resilience-based or procedural sustainability. It turns out that the relationship between nudging and sustainability is filled with tensions and normative implications that vary between different sustainability conceptions. The authors argue that further research will have to scrutinize the potential and actual role of nudging in normatively ambitious and empirically complex governance settings.

Scrutinizing complex governance settings is important for understanding the multiple barriers, side-effects and failures of behavioural public policy (Weaver 2016; Sunstein 2017). Weaver (Chapter 16 in this volume) illuminates this challenge by looking at labour

market exits from a multidisciplinary behavioural perspective that places multiple determinants of the behaviour of a very heterogeneous set of actors at the centre of analysis. A variety of strategies are, as Weaver shows, available to governments to alter this behaviour, ranging from improved information about longevity risks to increasing minimum and 'standard' retirement ages. His analysis suggests that for extending working lives, as with most policies that have diverse target populations, it is critically important to look at multiple barriers to behaviour change such as complex incentives and a high degree of uncertainty that challenges the cognitive capacity of most workers, plus substantial peer effects – and to develop policy interventions that address those barriers. Knowledge about 'compliance and enforcement regimes' (Weaver, Chapter 16 in this volume) may be of strategic importance for the future of behavioural public policy.

The complexity and political repercussions of translating behavioural insights into public policy are also highly relevant in the context of development policy (see Berndt, Chapter 17 in this volume). Scholars such as Banerjee and Duflo (Banerjee and Duflo 2012) have argued that poverty creates a cognitive burden for the poor that leads to disadvantageous behaviour caused by loss-aversion or procrastination. As Berndt shows, the 'behavioural revolution' (Datta and Mullainathan 2014) in designing development policy has profited from distancing itself from both neoclassical market-oriented policies as well as from traditional large-scale state interventions. Randomized field experiments play a crucial role in the spread of behavioural thinking in public policy. In the area of development, however, this has also created an asymmetric focus on the relationship between experts and the poor that is in many ways a social projection of the cognitive model of system 1 and system 2 (Kahneman 2011). Without complete turning away from *homo economicus*, this model is used as an 'utopian yardstick' in behavioural change interventions (see also Sent 2004). By implicitly sticking to the neoclassical discourse, development policies based on behavioural insight mobilize well-known imaginations of modernity and render development a technical problem of behavioural engineering.

Barriers and possibilities of behavioural change interventions become especially visible in the case of employment policy. Focusing on policy instruments prescribed by the European Union to promote youth employment, Tosun and Hörisch (Chapter 18 in this volume) critically assess deliberative interventions that are discussed in behavioural research as 'boost' (Grüne-Yanoff and Hertwig 2016) or 'think' (John et al. 2009) strategies. In a complex area such as youth unemployment with its economic, social and political implications, the European Union has developed a multitude of approaches ranging from non-formal learning and intercultural dialogue to a complex coordination mechanism such as the open method of coordination. Based on a survey on the beliefs of young Germans between the ages of 18 and 35 on what the causes of youth unemployment are and on what they would be willing to do to get a (better) job, the authors show that these young Germans are willing to move within the country, learn new skills, or even get retrained. The majority of them, however, are unwilling to move to a different country. While EU instruments tackling youth employment are surprisingly well designed to cope with the complexities of compliance (see also Weaver, Chapter 16 in this volume), they do not include social protection or the demand-side of labour markets, thus leaving important dimensions of the choice architecture uncovered.

Compared to areas such as public health or sustainability, behavioural public policies in tax collection are relatively recent (see Botzem, Chapter 19 in this volume). In taxation

policy, the behavioural 'spin' on instruments that has been observed by many authors of this volume takes a moralizing form. By placing emphasis on the moralizing character of official communications the relationship between the state and the individual is reinterpreted in terms of moral conduct and social norms. Most behavioural interventions in this area seek to discourage tax avoidance by tax payers. As Botzem shows, tax morale, trust and cultural determinants of tax compliance have become leading concepts in the past decades. With the rise of randomized controlled trials since the 2000s, studies on tax letters have been carried out across many countries in Europe, North America and Latin America. While the effects of behavioural interventions in terms of enhancing tax collection are limited, proponents emphasize the possibility of directly communicating the importance of social norms to the tax payer: 'The state is using moralization as an approach to address its citizenry, invoking an imagined contract between taxpayers and tax authorities' (Botzem, Chapter 19 in this volume). Very much in line with other contributions in this section of the handbook, Botzem underscores the complexities of (tax) compliance and the implicit normative assumptions and unintended side-effects that should not be underestimated when implementing behavioural public policy.

## PART IV   THE GOVERNANCE OF BEHAVIOUR: NORMATIVE IDEALS, CRITICAL PERSPECTIVES AND POLITICAL CONSEQUENCES

The former chapters indicate that differences in the rise, diffusion and implementation of behavioural public policy are often rooted in more fundamental differences over world-making assumptions such as the boundaries of state intervention into the market and models of agency. These controversies also reflect crucial political and normative disagreements about the role of the (behavioural) science in policy-making or the legitimacy and accountability of regulatory agencies. The studies of policy areas also show that there is no single driver or trend, but rather a mutual interplay of several constellations in science and policy-making. Behavioural public policy is a totemic example of where science is asked to provide evidence for political decisions and where expertise has become a major source of political legitimation. The growing political demand for legitimation by behavioural experts for political choices raises novel challenges for science and expert bodies and realigns forms of scientific and political representation.

The next series of contributions addresses – broadly speaking – the political impacts and implications of the rise, spread and institutionalization of BI (including sectoral, geo-political and cultural variations) from a variety of perspectives. They range from normative-conceptual considerations to empirical-descriptive findings and include ethical, normative and political, legal and institutional dimensions of using BI for and by public policy-making. They all focus on the changing relationship between state and non-state actors (including citizens). They all raise questions of agency, representation and their normative and epistemological implications under different, but complementary perspectives. Questions of legitimacy are addressed not only as ethical or normative ones but also as positive or empirical ones: Which nudges do people endorse, and which ones do they reject? They also address gaps such as the constitutional limits to nudging and they all reflect how behavioural public policies contribute to and reflect upon transformations

of the political (politics, policy and polity), including forms of de- and re-politicization and changes in the structures of power and authority.

Sunstein and Thaler's argument that 'libertarian paternalism is not an oxymoron' (Sunstein and Thaler 2003) was the starting point for a heated debate on the 'ethics of nudge' (John 2018). The basic idea of this argument is that people are free to not follow a nudge. This libertarian notion is combined with the paternalist notion that if people choose to follow a nudge their behaviour is corrected from biases and problems of self-control in a way that is either socially desirable or in their own interest as judged by themselves: 'choice architects can preserve freedom of choice while also nudging people in directions that will improve their lives' (Thaler and Sunstein 2008, p. 252). Critics, however, have argued that it is highly unclear what is good for people, what they would choose for themselves and what they themselves would call a bias or problem of self-control (Sugden 2016).

A more recent turn in this debate is the focus on public opinions about nudges (see Sunstein, Chapter 20 in this volume and John 2018, pp. 117–118). Studies have shown that people prefer open and transparent nudges to covert nudges; they choose nudges that support socially desirable goals over pro-self nudging (Felsen et al. 2013; Jung and Mellers 2016). There are also considerable differences in the approval of nudges across different nations (Sunstein et al. 2018). In his contribution to this volume, Cass Sunstein presents and discusses the results of a representative survey among American citizens involving thirty-four nudges. The data indicate a strikingly broad consensus, across partisan lines, that people dislike those nudges that promote what people see as illicit ends or are perceived as inconsistent with either the interests or values of most choosers. By contrast, there is a general approval of nudges that are taken to have legitimate ends and to be consistent with the interests and the values of most choosers. One main difference is that partisan affiliation seems to affect the level of support; even if the ends of nudges are supported Republicans are more sceptical than Democrats. While there is a clear majority in agreement about which nudges should be supported, these important findings about the influence of party affiliations point to a distinct political dimension of nudging that deserves greater attention in future research.

In her contribution, van Aaken (Chapter 21 in this volume) enters the debate on libertarian paternalism not from an empirical, but from a legal standpoint. She distinguishes between paternalistic nudges, that is, nudges targeting the wellbeing of single individuals and non-paternalistic nudges, that is, nudges that target third-party externalities or the public good. Taking this difference as a starting point, she assesses the constitutionality of nudging regulations by identifying infringements of rights associated with nudges and possible justifications. Governments need to respect constitutional limits to nudging, van Aaken argues. Especially paternalistic nudges are problematic. Constitutional limits may also arise due to the design of nudges. A crucial point is the informed and free decision of citizens. Whenever an individual makes a decision based on informed preference, paternalistic nudges fail the test of constitutionality even if they are effective and necessary to protect the individual against self-damaging behaviour.

In a complementary way to van Aaken's legal perspective, White addresses epistemic, ethical and political problems of nudges from a philosophical perspective. Proponents of behavioural public policy are confronted with complex, multifaceted and subjective interests that are based on a myriad of choices in a specific situation; constructing their

ideal preferences is a counterfactual exercise; nudges collapse this complexity into one focused area without taking into account other dimensions. This epistemic problem is accompanied by ethical problems whenever policy-makers and experts impose their own conception of interests on others or violate liberal neutrality by preventing individuals from pursuing their own vision of the good life. In consequence, people may even be subject to 'cognitive hazard' in which they do not deliberate as carefully about decisions when they know someone will prevent them from making bad ones. Somewhat in line with van Aaken's distinction between paternalistic and non-paternalistic nudges, White (Chapter 22 in this volume) argues that one possibility would be to base nudges explicitly on universal welfare standards or objective theories of the good, in which the broad goals of nudges, such as promoting health or wealth, are made clear and the goal of helping individuals pursue their own unique and subjective interests is dropped.

Reviewing the literature on libertarian paternalism, Tyers (Chapter 23 in this volume) engages with libertarian paternalism by identifying two recurrent critiques: first, that it is too liberal and individualizes responsibility too much; and second, that it is too paternalistic, undermining individual autonomy and placing too much power and trust in the 'nudger'. Based on recent theories on anti-politics, post-politics, and de-politicization, Tyers suggests a third version: nudges can be viewed not only as too liberal or too paternalistic, but both. From this perspective, nudges are an expression of contemporary governance which is liberal and 'de-politicized' at the macro-level of business regulation whilst also being paternalistic and 're-politicized' at the micro-level of individual behaviour change. Macro-level issues such as the primacy of material consumption or poor quality housing are excluded from mainstream discourse. Micro-level issues such as consumers' consumption decisions or individual savings are brought into the political discourse and become target of nudge-style interventions. Behavioural public policy, Tyers argues, reflect broader developments of contemporary governance which is increasingly 'anti-political' and 'solutionist' – reluctant to regulate capitalism at a macro-level but eager to manage consumers' micro-level behaviours.

Does the widespread adoption of behavioural public policy undermine broader institutions in contemporary societies? Lepenies and Małecka (Chapter 24 in this volume) discuss the challenges which behavioural policy solutions pose for law, politics and science based on an institutionalist perspective. As to the law, behavioural instruments are not introduced through parliamentary legislation, but by acts of administrative bodies. Even if behavioural instruments are disclosed and made fully transparent, the mechanisms by which they are chosen withstand such disclosure. Politically, behavioural public policy might become increasingly problematic if societies 'inherit' nudges from prior public administrations. Once installed, nudges could merge with the institutional setting and circumvent public deliberation. Finally, scientific evidence from the behavioural sciences that enters policy can be already value-laden. Therefore, apart from testing the effects of nudge interventions advocated by proponents of nudging, it seems to be important to be able to scrutinize the values that in various ways enter behavioural research. These values should be made subject to debate. In their contribution, Lepenies and Małecka make several suggestions to safeguard society from these problems: a nudging oversight body such as a 'nudging ombudsman' could be appointed by parliaments; expiration dates for nudges could force lawmakers to deliberate on implementation in regular intervals; requiring nudge units to install an expert in the philosophy of science could support

meta-reflection on epistemic problems. The proponents of behaviour change, as Lepenies and Małecka conclude, have gotten carried away with the design and implementation of behavioural public policy without seeing the broader political, institutional and societal context in which it is advocated.

## FUTURE RESEARCH PERSPECTIVES

All in all, the findings of this edited volume paint a rich picture of the state of research in this field. They call for more comparisons across policy sectors, levels and countries in order to identify patterns of convergence and divergence and to systematically explain the varieties of behavioural public policy. Moreover, it remains open and contested what the political impacts and implications of these trends are and how they resonate in different institutional and cultural contexts under the conditions of the 'post-national constellation' (Habermas 2001). From the many crosscutting themes in this handbook we would like to highlight four key challenges that could inform future research in this field.

First, more research is needed on the multiple ways of how behavioural approaches transform our understanding of public policy. Many contributions in this volume have shown that behavioural public policy does not simply add another set of tools to the already existing spectrum of policy instruments. It is still an open question how behavioural interventions interact with other tools of government and what the unknown side-effects of these interactions could be. Similarities and differences between different policy sectors and levels also raise novel question, such as about enabling and constraining context condition for the spread and integration of behavioural insights into policy-making. '[N]udge needs to break from the individualising focus stemming from its supporters in behavioural economics and psychology and give more attention to the way that collective and institutional settings help determine the success or failure of a nudge' (John et al. 2009, p. 369). While a variety of studies highlight the influence and significance of the broader political, institutional and societal context in which behavioural change and public policy is advocated, it remains a black box and calls for future investigation about how and why 'context matters'. Moreover, most authors in this handbook have argued that the debate on behavioural insights and public policy needs to break away from the focus on nudges. Alternative uses of behavioural insights include modes of risk-oriented education, behaviourally-informed regulations that are supposed to protect consumers and citizens and multiple strategies to establish institutional spaces for citizen's engagement, consultation and deliberation (Gigerenzer 2015; Oliver 2015; Grüne-Yanoff and Hertwig 2016). Most importantly, the contributions in this handbook have shown that the specific frame of behavioural public policy has implications for our conceptualization of the underlying mechanisms of public policy instruments, for the ways we assess and criticize public policies and for the norms and values we associate with them. These findings across multiple policy areas invite to deeper investigation on whether and how the spread of behavioural insights affects the allocation of power and responsibilities between the state and non-state actors and how it affects the normative foundations of modern democracies. It is still an empirically open and contested question how it impacts questions of individual agency, whether it contributes to empowering citizens or whether its close relationship to evidence-based policy provides legitimation

for experts and tendencies of technocracy in public policy-making (Fischer 2009; Straßheim 2017b).

Second, another key challenge for future developments involves a critical evaluation not only of nudges and related instruments but also of the behavioural policy-makers and experts. The 'choice architects' themselves have become objects of behavioural studies in order to detect and avoid biases in decisions and policy-making (BIT 2018; World Bank 2015; Lodge and Wegrich 2016). The findings in this handbook are very much in line with recent studies arguing that 'elected and unelected government officials are themselves influenced by the same heuristics and biases that they try to address in others' (BIT 2018, p. 3). Some have called this the 'rationality paradox' of behavioural public policy (Lodge and Wegrich 2016). Interestingly, the research by Kahneman and Tversky was originally motivated by the question on how expert intuition and professional decision-making works (Kahneman 2011). The 'confirmation bias' is probably one of the most frequent heuristics influencing the behaviour of policy professionals. It refers to the selective gathering (or the undue relevance) of information in order to support a previously held belief and to neglect other information. This affects the interpretation of data, the analysis of situations or the critical appraisal of public policies. The co-evolvement of behavioural sciences and behavioural public policy as mapped out in this volume suggests that both experts as well as policy-makers could even reinforce each other in ignoring some of the political consequences and normative implications of behavioural approaches. Understanding the mechanisms leading to failures and pathologies in mutual learning and co-production between science and policy might have far-reaching methodological and conceptual implications for the future integration and critical reflection of behavioural insights in public policy (Dunlop 2017; Jasanoff 2004a).

Third, a variety of authors in this volume have raised questions on citizen's autonomy and authenticity in behavioural public policy. Understandings of 'libertarian paternalism' vary and, as opinion polls show, citizens themselves prefer those nudges that are transparent, have legitimate ends and are consistent with the interests and the values of choosers. This debate is closely connected to discussions on public deliberation and the modes of ensuring individual as well as collective reflection on decision-making and democratic innovation in the face of complex problems (John et al. 2009; Fischer 2003; Dryzek 2005). It also resonates with recent reformulations of the basic ideas of behavioural public policy. Some authors have argued that the division between system 1 and system 2, between automatic and reflective thinking is much too strict (Fiedler and von Sydow 2015; Bago and Neys 2017; Gigerenzer and Gaissmaier 2011). Nudges supposed to trigger 'fast and frugal' heuristics involve some kind of thinking and awareness of choices. Many nudge-type policies such as commitment devices or health interventions are 'thought-provoking' in terms of individual and social implications (John 2018). They initiate a complex inter-action and back-and-forth movement between system 1 and system 2. This might have larger conceptual consequences, because it signifies a shift from focusing on *behaviour* as a more or less unconscious and automatic pattern on the individual level to *action* as an anticipation of how both one's own behaviour and the behaviour of others materialize and have social consequences in the future (Schütz 1959). Turning from behaviour to action might help behavioural approaches to overcome unnecessary dichotomies and open up interdisciplinary venues of combining cognitive and behavioural sciences with social theories of action (Elster 2015; Giddens 1984).

Finally, one of the greatest challenges in this context is connected to the digitalization of behavioural public policy. Based on large amounts and multiple sources of data on individual behaviour and its contexts, machine learning algorithms and other modes of pattern recognition are increasingly used in decision-making and the 'personalized' design of instruments and regulations. They provide information for the prediction of individual behaviour and establish an infrastructure for the creation of targeted interventions (Andrews et al. 2017; Sunstein 2015; Hacker 2017). The consequences of these developments are largely unclear. Proponents argue that digitalization helps to reduce the cognitive burden on people and support individual decision-making. Confronted with increasing technological and social acceleration and complex informational environments people tend to make suboptimal decisions. From this perspective, digital behaviour change interventions could support people in winning back authority and authenticity (Sunstein 2015). Behavioural public policy based on data science might, however, even increase problems of individual choice (Margetts et al. 2014). Using citizens as 'walking data generators' could undermine their self-image (McAfee and Brynjolfsson 2012). Algorithmic regulation could limit the possibilities of individual and collective learning (Newell and Marabelli 2014). Behavioural strategies based on big data could perpetuate social asymmetries and lead to 'smart discrimination' (Hacker and Petkova 2017). Moreover, technologies of political micro targeting could open up new venues for the manipulation and the 'redlining' of specific groups such as non-voters (Bodó et al. 2017). The promises and pitfalls of digitalization point to the many open questions related to the ever-expanding research area of behavioural change and public policy.

## NOTES

1.  The term 'behavioural public policy' has been introduced by Adam Oliver (2013). It is also the name of a journal that is 'devoted to behavioural research and its relevance to public policy' (see www.cambridge. org/core/journals/behavioural-public-policy, last access 15 April 2018). In this Introduction, we use it as a synonym to similar terms such as 'behavioural governance' or 'behavioural regulation'.
2.  See the chapters in this handbook. On the rise of behavioural public policy in the UK see the excellent study by Jones et al. (2013) and John (2018). Whitehead et al. (2017) have recently presented a comparison of international case studies on what they call 'neuroliberalism'. The European Commission's report 'Behavioural Insights Applied to Policy' describes initiatives from member states of the European Union and their institutional context (Lourenço et al. 2016). Drawing on responses from a survey conducted among 60 public bodies in 23 OECD and partner countries and two international organizations the OECD report *Behavioural Insights and Public Policy: Lessons from Around the World* (OECD 2017), gives an overview on more than 100 applications. Based on an international survey, Sunstein et al. (2018) compare citizen's attitudes towards 'nudges' covering eight countries. Alemanno and Sibony (2015) discuss the role of behavioural approaches in the European context.
3.  We reject the notion to be found in some textbooks that the general purpose of public policy is to change behaviour. Public policy has many purposes ranging from organizational and institutional transformations and the enhancement of collective learning and reflexivity to the attainment of normative goals such as equal distribution or freedom of speech. Reducing it to behavioural change might already be a symptom of the increasing influence of behaviouralism since the 1960s.
4.  Sunstein referring to Rawls in a presentation at the German Federal Ministry of Justice on 12 December 2014.
5.  While research on governmentality in the tradition of Foucault has made major contributions to understanding the relationship between behavioural change and public policy (Miller and Rose 1994; Rose and Miller 2008), we are sceptical of a tendency in this literature to treat the 'neoliberal regime of governmentality' as an unquestioned vantage point of analysis. This tendency has been criticized from within the Foucauldian debate as 'cookie cutter explanation', that is, the reproduction of the same argument over and over again

(Brady 2014). Approaches such as this run the risk of underestimating the inherent contradictions, multiple dynamics and counter movements in complex configurations of governance.

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