

The Paternalistic State

by Cyril Hédoïn

The behavioral sciences have revolutionized our understanding of individual choices and actions. These approaches are leading to new public policies, which raises important ethical and political questions.

About: Coralie Chevallier et Mathieu Perona, *Homo sapiens dans la cité. Comment adapter l'action publique à la psychologie humaine*, Odile Jacob, 2022, 288 p., 22 €

“People respond to incentives”: This maxim, which every student of economics has heard over and over again, continues to underpin the dominant conception of public policy today. The reality, however, is more complicated. Scientific developments over the last three decades reflect spectacular progress in the understanding of human behavior. The term “behavioral sciences” refers to all research aimed at identifying the mechanisms that account for individual choices and at explaining the prevalence of these mechanisms in any given context. The emergence of behavioral economics in the late 1970s and the central place it occupies in economics today attest to the growing importance of this field of research.

Yet, economics is far from the only discipline to have played a part in the development of the behavioral sciences. Psychology, neuroscience, biology, and evolutionary anthropology have all contributed to this new approach to human behavior. It is in this context that *Homo sapiens dans la cité* (Homo Sapiens in the city) was written. This book co-authored by a cognitive science researcher and an economist specializing in the evaluation of public policies offers non-specialist readers an in-depth introduction to the findings of the behavioral sciences and to the way these can

be used to design and implement public policies. In addition, it lays the groundwork for a complete revision of public policy in the light of these sciences.

The book thus presents several of the characteristic features of human behavior highlighted by the behavioral sciences and discusses their relevance to the design, implementation, and evaluation of public policies. It emerges that behavioral characteristics can be taken into account in public policy at two levels. First, they can be seen as “tools” or “levers” of public action. Second, they are not only relevant to the question of “how to do things,” but also provide valuable information on “what to do,” that is, on what public action can aim to achieve and on the constraints that bear on its deployment.

Behavior as a Lever of Public Action

The “how to” question is closely related to developments in behavioral economics, associated in particular with the works of psychologist Daniel Kahneman and economist Richard Thaler. Building on these works, Coralie Chevallier and Mathieu Perona discuss in the first chapter a number of cognitive biases that significantly affect individual behavior (anchoring bias, availability heuristics, etc.). They then show how these biases can be used in the context of public action as levers to influence behavior without resorting to coercion or monetary incentives. For instance, as the literature has documented, our choices are largely influenced by the way in which information is presented to us (the so-called framing effect) or by the default option available in cases where do not make an active choice. The manipulation of “choice architectures” is therefore an important lever with which public policy can influence our decisions in many domains (food choices, investment and savings decisions, etc.).

Yet, the behavioral levers available to public authorities are not limited to cognitive biases. For reasons linked to our evolutionary history, and in particular to the environmental constraints associated with life in small hunting communities, we attach great importance to our reputation. We also tend to be conditional co-operators: We are inclined to make short-term sacrifices so long as these are part of a reciprocal relationship with another person. Our willingness to cooperate and our sensitivity to reputational effects also lead us to attach great importance to social norms, or at least to our perception of them. This is an important lever for public policies aimed at

encouraging, for instance, behavior that is more respectful of the environment (choosing an electric car) or that entails a form of solidarity with others (giving more to charities). On the other hand, as the practice of binge drinking illustrates, social norms can also have deleterious effects on well-being. Acting directly on these norms is one way of remedying the problem.¹

The Behavioral Sciences and What Public Action Can Do (and Not Do)

The book also shows how the behavioral sciences can serve as a guide to public action by identifying the constraints it faces and the possibilities that are open to it. Foremost among these constraints is what we might call individuals' "sense of fairness," a trait also inherited from our evolutionary history. As the authors argue in Chapter 5, a public policy geared entirely towards efficiency or the maximization of collective well-being will meet with strong opposition if it does not also satisfy a criterion of fairness. A corollary of this proposition is that, in certain cases, the implementation of a public policy must be accompanied by an effort to highlight the unfairness of the existing situation—as the authors suggest in their discussion of the excessive space given to cars in the organization of cities. Some readers including myself may find this chapter to be somewhat unsatisfactory. The authors gloss over the important fact that several conceptions of fairness can exist in the same society, a diversity that can also be partly explained by our evolutionary history. They implicitly adopt a Rawlsian conception of fairness as opposed to utilitarian ethics, yet in their discussion of the concept of the veil of ignorance (p. 137), they cite works suggesting instead that individuals placed under a veil of ignorance behave in a utilitarian manner. This, however, does not detract in any way from the relevance of the chapter's main idea.²

Policies to combat poverty are an area where the contributions of the behavioral sciences have been particularly significant. In line with recent sociological research, the authors show that the prejudice according to which poverty stems from the

¹ On this point see Cristina Bicchieri, *Norms in the Wild: How to Diagnose, Measure, and Change Social Norms*, New York, OUP USA, 2016.

² See in particular the recent book by American philosopher Gerald Gaus, *The Open Society and Its Complexities* (New York, Oxford University Press, 2021), which addresses a similar topic in relation to the problems of governance in morally diverse societies.

distinctive behavioral characteristics of the populations concerned (strong preference for the present, aversion to effort) has no scientific basis. On the contrary, the evolutionary and behavioral approach suggests that the behavior of poor households is essentially the result of adaptation to an environment that requires a constant and sustained cognitive effort to take into account short-term considerations. In other words, far from combating the alleged “irrationality” of poor people, the behavioral sciences recommend acting on the environmental factors that lead them to focus on urgent decisions to the detriment of long-term investments.

Finally, the behavioral sciences confirm an intuition that many of us share: Private actors have long developed strategies for exploiting individuals’ behavioral characteristics to their benefit. In particular, what are sometimes referred to as “sludges” take advantage of the cognitive biases identified in behavioral economics in order to prompt consumers to make choices that are sometimes detrimental to their own well-being. One example is the multitude of marketing tricks used by some companies to encourage individuals to make impulse purchases or to steer them towards particular offers or products. Placing products on shelves, selling them at a discounted price, or carefully selecting the terms associated with them are all ways in which companies can influence consumer choices. The behavioral sciences not only reveal the mechanisms at work behind these practices, but also provide many indications as to how public policies can neutralize them.

Ethics and Political Economy of the Behavioral Sciences

The book can be read as a plea for a more in-depth and systematic use of the behavioral sciences in public policy. More generally, the authors advocate an approach to public policy that is better grounded in science and more sensitive to empirical and experimental evidence, both in design and evaluation. The many references to the methodology of randomized controlled trials—popularized in France by economist Esther Duflo³—clearly point in this direction.

The injunction to increase the use of behavioral sciences nevertheless raises ethical and political questions. As the authors briefly note and discuss (pp. 59-66), what might be called “behavioral public policy” raises the specter of a type of paternalism

³ See, for instance, the book she co-authored with Abhijit Banerjee, *Repenser la pauvreté*, Paris, Seuil, 2012.

that is particularly pernicious because it exploits, at least in some cases, psychological mechanisms of which individuals are unaware. For instance, a public policy that aims to encourage individuals to reduce their energy consumption by having their energy bill indicate the average consumption in their neighborhood amounts to taking advantage of the importance people attach to norms for the purpose of influencing behavior.⁴ Even though this simply entails the provision of information to consumers, the underlying objective is clearly to influence individual behavior without the people concerned necessarily being aware of it. The authors rightly point out that the strength of this objection depends on the underlying concept of freedom and autonomy that one chooses to adopt. In any case, the fact that a policy is paternalistic does not automatically disqualify it, particularly when it pursues aims that are widely shared in society.

Although the book does not explicitly address this point, the systematization of the use of behavioral sciences in the governance of society raises more general questions about the implications for the political nature of liberal democracies. In particular, what is true of consumer behavior is also true of voting behavior. Unsurprisingly, research suggests that the same biases determine consumer preferences and citizens' political choices. This leads to the idea of a "political paternalism" that cannot be refuted with the mere invocation of democratic principles.⁵ The systematization of the use of behavioral sciences can also go hand in hand with the reinforcement of the technocratic dimension of Western democracies, with the risk that both the implementation and the aims of public policies will escape democratic control. This is why, irrespective of one's position on these issues, it is essential to inform the public as widely as possible about the existence and role of the behavioral sciences in our societies. In this respect, the book by Chevallier and Perona is an important contribution to the democratic debate.

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⁴ Beyond the book being reviewed here, interested readers will find a vast catalogue of public policies of this type in the OECD report, *Behavioural Insights: Lessons from Around the World*, Paris, OECD Publishing, 2017.

⁵ On how cognitive biases affect voters' choices, see Christopher H. Achen et Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government*, Princeton, Princeton University Press, 2016. In recent years, the concept of "political paternalism" has been discussed from a similar perspective by American philosophers, see in particular Jason Brennan and Christopher Freiman, "Why Paternalists Must Endorse Epistocracy," *Journal of Ethics and Social Philosophy* 21(3), 28 March 2022.

