

Introduction

Libertarian Paternalism (LP): a weak form of paternalism that recommends nudges rather than stronger interventions e.g., bans or restrictions (Thaler & Sunstein 2008)

“Libertarian paternalism is a relatively weak and nonintrusive type of paternalism, because choices are not blocked or fenced off. In its most cautious forms, libertarian paternalism imposes trivial costs on those who seek to depart from the planner’s preferred option.” (Sunstein & Thaler 2003, 1162)

Nudging: influencing people’s choice, with a paternalistic motivation, by intervening the “context” of choice

- an application of psychology of human behavior and choice

School Cafeteria: food display at school cafeteria where the healthy items are placed at eye level

Retirement Plan: default automatic enrollment in retirement saving programs with an option of easy opt-out

Clarificatory Question: Can there be an epistemic analogue of LP? How does it look like? How is it different from other forms of epistemic paternalism?

Substantive Question: Is ELP a good idea? Should we adopt ELP?

Radiation Information: framing radiation exposure information so that people can accurately judge the safety

- c.f., framing effect: e.g., saving 200 lives / 400 people will die (Tversky & Kahneman 1981)

Notes:

- will not discuss effectiveness, which is empirical
- will do some reconstruction

Libertarian Paternalism

Libertarian Paternalism

LP is libertarian: “choices are not blocked or fenced off” (Sunstein & Thaler 2003, 1162)¹

LP is paternalistic: nudgers “are self-consciously attempting to move people in welfare-promoting direction” (Sunstein & Thaler 2003, 1162)²

- **Nudge:** “any aspect of the choice architecture that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentive” (Thaler & Sunstein 2008, 6)
- **Choice Architecture:** “context in which people make decisions” (Thaler & Sunstein 2008, 3)

School Cafeteria

Choice Set (CS): available food items and their relevant features, including cost

Choice Architecture (CA): location of food items

Nudge / Incentive

- incentives primarily modify CS, not CA / nudges primarily modify CA, not CS
- econs respond to incentives, but not to nudges / humans respond to incentives and nudges

“Econs respond primarily to incentives. If the government taxes candy, they will buy less candy, but they are not influenced by such ‘irrelevant’ factors as the order in which options are displayed. Humans respond to incentives too, but they are also influenced by nudges” (Thaler & Sunstein 2008, 8)

Bans: eliminating an option in CS

Incentives: modifying an option in CS

Nudges: modifying CA, not CS

¹ LP does not necessarily oppose stronger libertarian interventions (bans, restrictions). LP only recommends replacing them with nudges whenever possible (Thaler & Sunstein 2008).

² Perhaps these definitions of “libertarianism” and “paternalism” are too weak (c.f., Dworkin 2016)? Properly defined, perhaps “libertarian paternalism” is an oxymoron?

Some Reasons for Nudging

- wellbeing promoted
- freedom preserved
- unavoidability

Epistemic Libertarian Paternalism

Extreme Epistemic Paternalism: banning opinions (c.f., “thought police” in G. Orwell’s 1984)

Moderate Epistemic Paternalism (Ahlstrom-Vij 2013; Goldman 1991; Pritchard 2013): restricting inquiry or access to information³

Criminal Record: the jurors’ not having access to some information of the defendant (e.g., crime records, character traits)

Radiation Information 2: non-experts’ not having access to some radiation exposure information

Epistemic Libertarian Paternalism (ELP): a weak form of epistemic paternalism that recommends epistemic nudges rather than extreme or moderate epistemic paternalist interventions

- ELP is epistemically libertarian: no opinion or inquiry is blocked⁴
- ELP is epistemically paternalistic: epistemic nudgers are self-consciously attempting to move people in epistemically-desirable direction⁵

Epistemic Nudge: any aspect of the epistemic choice architecture that alters people’s judgments / beliefs in a predictable way

Epistemic Choice Architecture: context in which people make judgments⁶

Radiation Information

Epistemic Choice Set (ECS): available opinions concerning the safety and available evidence for them

Epistemic Choice Architecture (ECA): the frame in which opinions and evidence are presented

Epistemic Nudge / Epistemic Incentive

- Epistemic incentives primarily modify ECS, not ECA / epistemic nudges primarily modify ECA, not ECS
- Econs respond to epistemic incentives, but not to epistemic nudges / humans respond to epistemic incentives and epistemic nudges

Fake News: the “disputed” tag on questionable Facebook entries (Rini 2017)

Epistemic Bans: eliminating an option in ECS

Epistemic Incentives: modifying an option in ECS

Epistemic Nudge: modifying ECA, not ECS

Some Reasons for Epistemic Nudging

- epistemic success promoted
- freedom preserved
- unavoidability

Objections

The idea of nudging is inherently problematic in epistemic domain.

- Rationality Objection*: nudged judgments are irrational
- Luck Objection: the success of nudged judgments is a matter of luck
- Virtue Objection: the success of nudged judgments is not because of nudgee’s intellectual virtue
- Knowledge Objection: nudged judgments do not constitute knowledge

³ veritist / anti-veritist epistemic paternalism; quasi / robust epistemic paternalism (Pritchard 2013)

⁴ ELP does not necessarily oppose other interventions. ELP only recommends replacing them with epistemic nudges whenever possible.

⁵ Perhaps ELP is too weak in a sense; it does not satisfy all the conditions for epistemic paternalism (Ahlstrom-Vij 2013).

⁶ Truth of doxastic voluntarism is not presupposed here.

Response 1: Rationality doesn't matter; truth is what really matters for practical purposes.

- cannot defend it as an *epistemic* paternalism (c.f., Bullock 2018)?

Response 2: Still better than nothing. Still a progress.

- cannot recommend it more than other interventions?

Response 3: Nudged judgments are certainly irrational but not because of the nudges; our judgments are always & inevitably influenced by irrelevant factors in ECA.

- system 1 / system 2 distinction

Response 4 (Levy 2019): Biases that are utilized in nudges are rational; e.g., framing as an implicit recommendation.

- Is framing really an implicit recommendation? Is it really rational to follow an implicit recommendation?
- But then framing is epistemic incentive, not epistemic nudge.

Response 5: Some epistemic nudges are problematically irrational, but others are not.

- bias-utilizing nudges (BUNs) / bias-neutralizing nudges (BNNs)

Essay Marking: imposing Procedure 2 in marking multiple essays (Kahneman 2011);

- Procedure 1: A1, A2, B1, B2, C1, C2
- Procedure 2: A1, B1, C1, A2, B2, C2

"Early in my career as a professor, I graded students' essay exams in the conventional way. I would pick up one test booklet at a time and read all that student's essays in immediate succession, grading them as I went. I would then compute the total and go on to the next student. I eventually noticed that my evaluations of the essays in each booklet were strikingly homogeneous. I began to suspect that my grading exhibited a halo effect, and that the first question I scored had a disproportionate effect on the overall grade. The mechanism was simple: if I had given a high score to the first essay, I gave the student the benefit of the doubt whenever I encountered a vague or ambiguous statement later on. This seemed reasonable. Surely a student who had done so well on the first essay would not make a foolish mistake in the second one! But there was a serious problem with my way of doing things. If a student had written two essays, one strong and one weak, I would end up with different final grades depending on which essay I read first. I had told the students that the two essays had equal weight, but that was not true: the first one had a much greater impact on the final grade than the second. This was unacceptable. I adopted a new procedure. Instead of reading the booklets in sequence, I read and scored all the students' answers to the first question, then went on to the next one. I made sure to write all the scores on the inside back page of the booklet so that I would not be biased (even unconsciously) when I read the second essay." (Kahneman 2011, 82)

Essay Marking

ECS: available grades (i.e., A+, A, A-, etc.) and relevant evidence (i.e., strengths and weaknesses of essays)

ECA: the order in which the essays are presented to the marker

Conclusion

Clarificatory Question: Can there be an epistemic analogue of LP? How does it look like? How is it different from other forms of epistemic paternalism?

- ELP is a (weak) form of epistemic paternalism that recommends epistemic nudges rather than extreme or moderate epistemic paternalist interventions.

Substantive Question: Is ELP a good idea? Should we adopt ELP?

- BUNs cannot avoid rationality objection, but BNNs could.
- BNNs still face other objections, e.g., virtue objection or luck objection?

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