Behavioural Insight Brief:
Ethics of Applying Behavioural Sciences to Policy

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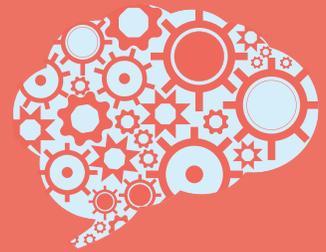
Ethics of Applying Behavioural Sciences to Policy

Context

Over the last few years, governments are increasingly turning to behavioural sciences to design behavioural interventions or "nudges" to achieve desired policy and program outcomes. By considering the actual behaviours of individuals and organizations in the policy making process, behavioural sciences can help to develop more optimal government interventions. However, what may be considered legal or acceptable in a private sector context (e.g. commercial advertising) may appear unethical in a public sector setting. For some people, the use of behavioural sciences in policy may be seen as manipulative and as undermining the freedom and normal autonomy of individuals and organizations.

Ethics in Current Practice

Despite the growing popularity of behavioural sciences in policymaking, little attention has been paid outside of the academic world to their ethical implications. While outcomes are important, so too are the means used to achieve them.

Ethical Standards of Behavioural Science

In developing policies which take into account behavioural insights, policymakers are exploring voluntary interventions as an alternative to regulations, to encourage behaviour change.

Ethical implications of using behavioural sciences can be measured against 5 standards:
1) Autonomy 2) Freedom of Choice 3) Paternalism 4) Manipulation and 5) Transparency.

1) Autonomy

Behaviourally-informed policies aim to enhance and preserve an individual's freedom to act independently by allowing them to discover their own preferences and make decisions based on those preferences. Instead of making regulatory decisions for individuals, behaviourally-informed policies help them to make decisions on their own.

Example: Highlighting the health risks of smoking (more autonomous) vs. banning smoking altogether (less autonomous).

2) Freedom of Choice

The use of behavioural sciences is often justified because individuals do not have their freedom of choice limited. In other words, behaviourally-informed policies should not limit the choices available or affect the cost associated with a certain choice.

Example: Developing incentives to increase savings for retirement, providing options to invest & save (more freedom of choice) vs. taking a mandatory contribution for one specific fund (less freedom of choice).
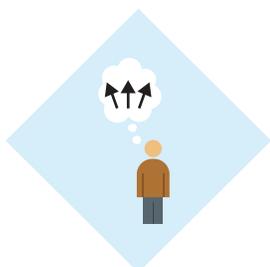
3) Paternalism

Individuals usually are in the best position to make decisions for themselves. Well-meaning intentions by government can come across as heavy-handed. Rather than forcing individuals towards choices that go against their own preferences, it is important to allow individuals the freedom to direct their own decisions.

Policies that help individuals achieve their goals and enhance their ability to put their intentions into action are seen as more ethical than policies that go against an individual's preference.

Example: Germany's opt-in organ donations program requires consent for enrollment (less paternalistic) vs. Austria's program which assumes tacit consent and automatically enrolls citizens into the organ donation program (more paternalistic).

4) Manipulation

Behaviourally-informed policies are sometimes considered to be manipulative because they operate through subtle influences without awareness or consent. Drawing comparisons to subliminal marketing, behaviourally-informed policies are seen to influence an individual's preferences subversively by changing their decision making process.

Manipulation arises when biases are exploited to achieve goals that do not necessarily reflect the individual's preferences. Transparency is recommended to help individuals to resist or accept influences.

Example: Information campaigns that highlight the health risks of smoking (less manipulative) vs. subliminal advertising (more manipulative because hidden messages and images are imperceptible).

5) Transparency

Policy-makers should not use behavioural sciences for any purpose that they would not be willing to defend publicly. By extension, policies should be upfront with their goals and intentions to allow individuals to accept and internalize influences on their preferences, in keeping with their autonomy and freedom of choice. Transparency acts as an accountability check on the action of government officials who might have their own biases or motives.

Example: Public service announcements highlighting the need for greater savings (more transparent) vs. street advertisers highlighting the ease of access to payday loans (less transparent).
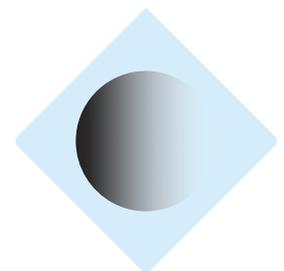
An Ethical Guide to Behavioural Interventions

The following section is a practical framework for the ethical evaluation of behavioural interventions. Posed as simple questions, each step is a reflexive exercise for policy-makers to identify potential areas that are ethically ambiguous, allowing for adjustments to be made accordingly.

What are the policy's effects on individual deliberation? (Autonomy): Interventions that allow people to think and consider options are viewed more favourably than those that force quick decisions to be made. Giving individuals time to make decisions and slowing down the decision-making process empowers citizens to take thoughtful actions and make choices reflecting their preferences.

What are the instrument's effects on individual choices? (Freedom of Choice): Rather than alter what choices are available, interventions that shift the framing of choices or provide additional relevant information place individuals in the driver's seat of decision making. By not reducing their options, such policies become more ethical than those that unilaterally remove options.

Towards what outcomes are individuals steered? (Paternalism): Behavioural interventions should work with the preferences of individuals. Interventions that are developed without taking the preferences of individuals into consideration become problematic when they're implemented. Behaviourally-informed policies cannot be solely outcome-driven and are best suited to help individuals discover and achieve their true preferences.

What are the policy's effects on behavioural biases? (Manipulation): People are filled with biases when making decisions. Does the policy work to de-bias individuals or enhance their biases? Policies that put individuals in the best position to think through decisions with an unbiased perspective are more ethical than those that increase or take advantage of biases to achieve outcomes.

What are the policy's effects on the accessibility and relevance of information? (Manipulation & Transparency): Individuals cannot make informed decisions without relevant information. Providing individuals relevant information upfront allows them to weigh their options and choices deliberatively. Conversely, providing unnecessary information can complicate decisions, overloading individuals with facts and subjecting them to choice anxiety. How information is structured and its effects on how decisions are made define whether an intervention is more or less ethical.

Does the behavioural intervention operate transparently or limit countering information? (Transparency): While some argue transparency reduces the effectiveness of behavioural interventions, transparency is essential to ensuring ethical practices are in place from the get-go. If a project has the potential to raise questions if placed under public scrutiny, it would be best to rethink its design.
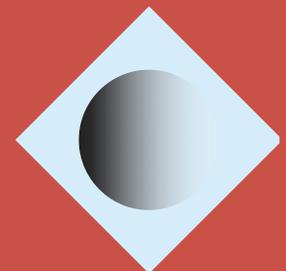
Ethics in the Government of Canada

An ethical framework for behavioural sciences projects has yet to be developed for the Government of Canada

A potential frame of reference can be Health Canada's Research Ethics Board, as it clearly lays the requirements for consent and confidentiality, two key components for experimentation.

Treasury Board Secretariat Values and Ethics Code for the Public Sector provides broad guidelines concerning good conduct and sound principles, setting the basis of expectations.

The Department of National Defence runs an Ethics Program meant to meet the needs of the department and armed forces at both an individual and organizational level. The aim and primary focus of the program is to foster the practice of ethics in the workplace and in operations such that employees will consistently perform their duties to the highest ethical standards.