Can Nudges Be Democratic?: Paternalism vs. Perfectionism

Sandra Laugier

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Paternalism vs. Perfectionism[1]

Sandra Laugier, Université Paris 1 Panthéon Sorbonne

What does it mean to be human in an age of ever-expanding realms of nudging? What happens to the very idea of us as unique individuals as we become ever more funneled into directions set by seldom-seen, if not entirely unknown others? This essay will focus on the way in which the concept of nudging avoids entirely the dimension of morality. Morality has to do with how individuals find their way through the complexity of life. Nudging may set challenges for individuals precisely by making the background to their decisions more complex. But it cannot replace or fundamentally change what moral philosophy is, and in particular, the place and need of morality in democratic forms of life.

The use of nudges for managerial or political purposes, as suggested by Thaler and Sunstein (2009), has given rise to a lively debate focusing on the question of the morality of such incentive practices. Popularized in French as *coups de pouce*, nudges are supposedly used to gently guide behavior. In other words, they are non-coercive incentives. Do nudges belong to the category of tools that can be used to guide behavior in the direction of the "common good?"

We live in a world of norms and coercion, and our form of life are permeated by rules we follow in order to belong (Wittgenstein 2009; Diamond 1991; Cavell 1979). We are also "manipulated" and influenced by communication, advertisement, images, new media (Katz and Floyd, eds. 2016, Conclusion). Our freedom is limited, and given these realities of the capitalist world and of the social order, why not accept the idea of nudges, i.e., incentives that would gently lead us to behavior that is positive for ourselves and for others? For me, the problem with nudges does not have to do with any restriction of freedom (nudges have the advantage of being non-coercive and allowing choice, as their promoters Sunstein and Thaler repeatedly remind us (Thaler and Sunstein 2008). We are all happy to be encouraged, by any means, to do this or that by people we love or admire, or by books and films that matter to us, and in this way we try to become better (Cavell 1993; Laugier 2019).

The problem of nudges, therefore, does not have to do with method or freedom, but rather with morality. It is not the reality of soft power or control, or the influences and incentives that permeate our society, that we must fight: these are either inevitable or appreciable, and learning to lead a life is about creating a path in the midst of all this. What

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must be fought is moralism and conformity, which are at work in political thought, modelled on economic thought in the very concept of nudging. In its formulation nudging is intended to be positive and gentle. But why should we accept that governments and society adopt the methods of commerce/business, even if this is for our own well-being? As a number of critics have already asked (Qizilbash 2018; Waldron 2014), why should we accept that some, experts and governments, decide what is good for us, and how to conduct ourselves?

The question is in the end that of democracy as a public space for discussion and collective choice, and also that of morality itself. Despite paternalism's denials, promoting nudging rather than the method of information and education reflects a deeply undemocratic vision of society and of human perfectibility, and a lack of confidence in the capacities for citizen empowerment created by public discussion and participation. It represents a regression in conceptions of citizens' capabilities.

Who nudges? Who decides on nudges?

1. Nudges, morality, and conformity

If the issue of nudges divides researchers and politicians, it is undoubtedly because we are already immersed in a standardizing society and organizations which subject us to stimuli, incentives, and manipulations that we do not choose. Nudges, when they are transparent, can be seen as a way of uncovering such stimuli, incentives, and manipulations, thereby increasing freedom of choice in a benevolent way—or, on the contrary, as an instrument for increasing the normalization of behavior. Thus, the question becomes: do nudges allow us to become more aware of our choices? In fact, nudging becomes ever more complex and ubiquitous as the data collected from ever-present mobile technology is used in increasingly fine-grained ways to present us with "choices". These processes may be discussed and brought to awareness. However, even supposing this question could be answered does not solve everything. In particular, the issue of the framework for these choices, which refers to the democratic organization of our societies, remains.

The enthusiasm for nudges (shared even by liberal politicians) is explained by the fact that they would make it possible to carry out actions that would be more effective, at a lower cost (possibly?), without resorting to coercive methods. Conceived as instruments for public policy and management, the significance and utility of nudges was widely debated in politics a few years ago. In 2010, Prime Minister of the United Kingdom David Cameron, asked for the creation of a "nudge unit" and reports published by various institutions continue to addressed the issue: see the British Cabinet Office's "Behavioural Insights Team" reports

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(www.bi.team) and a report by the Centre d'analyse stratégique français on "Nudges Verts" (2011), and so on. The scope for the application of nudges is extremely wide: they are used in ecology, marketing, etc. Nudging has also informed policies in the US, UK, Singapore, New Zealand, Australia, Germany, and so forth.

On the one hand, Thaler and Sunstein consider that citizens are always influenced in their decision-making, particularly by the context in which they operate—and very often, they are influenced in a bad way. Therefore, if the value principles guiding the political use of nudges are libertarian paternalism and Rawls' (1971) principle of publicity, for Sunstein and Thaler nudges do not contradict the freedom of citizens. On the other hand, critics of nudges, such as Mozaffar Qizilbash and Jeremy Waldron, stress the manipulative and undemocratic nature of such practices. But both positions are incredibly naive in the eyes of Pragmatic or Wittgensteinian philosophers. The problem is not being manipulated (as Sunstein and Thaler say we are all the time), nor does it have to do with losing or maintaining freedom. We are no freer when we are offered an actual choice in a situation (as in the often cited cafeteria example of leaving healthier items close to the check-out counter) than when we are coerced; this freedom is purely abstract.

The transparency of choices does plays a major role in the possibility of judging the practice in question as manipulative or not. If the effectiveness of nudges is based on a social norm—in other words, on our tendency towards social conformity—the question is whether such conformity should be valued. If the key to having the "right" behavior is, in particular, concern for the judgment of others, then practices that encourage individuals to take a critical look at social norms are sidelined altogether from consideration. Indeed, the more sensitive individuals are to social norms, the more likely to conform to them, the more functional the nudges will be. In this sense nudges are ultimately about conformity and not the so-called common good.

Cavell, who devoted his first works to Wittgenstein and Austin then took it upon himself to make Emerson's voice reheard in philosophy, insists on the tension between self-reliance and conformity. Conformist readings of Wittgenstein lead to focusing on the *rules* that would constitute grammar; a grammar of the norms of language's functioning and its "normal" uses, to be acquired like a form of knowledge. Cavell, on the other hand, proposes a reading of Wittgenstein in which learning is an initiation into a form of life. In learning a language, you do not merely learn the pronunciation of sounds, and their grammatical orders, but you learn to participate in the "forms of life" which make those sounds the words they are, make them do what they do (Cavell 1979, 177).

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Where Wittgenstein speaks of rules or language he does not forward a *thesis* or explanation, but rather describes what we do: we learn how to use words in certain contexts, from our elders, and all our lives we must use them in new contexts and without any background set of rules for what to say in specific circumstances, without any guarantee, without universals. We must project them and create new meanings, or improvise them against the background of our forms of life. We must, in short, continually build ourselves up Cavell 1969, 52). This is also what Emerson says in a famous remark often cited by Cavell: "Their every truth is not quite true. Their two is not the real two, their four not the real four; so that every word they say chagrins us and we know not where to begin to set them right" (1841, paragraph 10).

We enter here the territory of moral perfectionism. The search for a better self and for the region associated with self-perfection is at the basis of perfectionist ethics. Cavell develops this concept in relation to Emerson, while tracing its origins back to Plato. For Emerson, as for Cavell, philosophy is founded on "aversion to conformity". The philosopher must be a non-conformist -- this is Emerson's definition of "self-reliance," in his essay of that name.

Democracy, for Emerson, is inseparable from Self-Reliance, that is to say, from confidence—not as hollow self-conceit or a feeling of superiority (a debased version of perfectionism), but as a refusal of conformity, a refusal to let oneself be spoken for by others. This self-reliance is also the capacity each person has to judge what is good, and to refuse a power that does not respect its own principles (its own constitution). Self-reliance is thus a political position, claiming the voice of the subject from conformism, from uses that are uncritically accepted, and from dead institutions, or those no longer representative or "confiscated."

 It is this theme that Cavell takes up again with Emerson, and that he proposes in order to constitute an alternative to the liberal political (and economical) thinking that is made emblematic by the work of his colleague at Harvard, John Rawls. For Cavell, and for Emerson, I must *consent* to my government, consider that it speaks in my name, to give it my voice. But how is such an agreement possible? *When* did I give it my consent? There was in reality no social "contract", and our relations to one another and to ourselves in a modern democratic society are not wholly rule-governed, like contracts are. Self-reliance claims, in fact, the continued right to take back one's voice from society. My concern is what I think, not what others think. And therefore the principle of self-reliance is also one of democracy.

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Cavell proposes, along with Emerson (1841), a form of radical individualism that is not a selfish claim of private concern; on the contrary, it is public. The issue of self-reliance becomes the issue of who decides the common good, but also how it is decided.

2. Who nudges? The ethical problem

Who decides the direction in which choices and behaviors should be oriented? Can technocrats, whether experts in public policy or marketing, really afford to answer everywhere for citizens? The need for a collective discussion around what is considered desirable by a society arises here, with all the difficulty that can be presented by "directing" people towards such a debate. If the public sphere is fragile and heterogeneous, it nevertheless remains the relevant sphere for thinking about the frameworks of choice and about a necessary manipulation towards our own good and the common good. Actually, in the paternalist view, such a decision is never left to the people.

We have all seen friends and family make terrible decisions, and been tempted by visions of the pain they would be spared if we could only make them follow our advice or the advice of "competent" people. The same feeling motivates well-intentioned technocrats to take charge of the public: ordinary people are plainly making unfortunate blunders they will regret, and so they need to be advised by wiser people.

Thaler and Sunstein present the latest version of this temptation in their influential work. They argue that wise decision-makers should tweak the options and information available so that the easiest choice is the right one. For example, people can be guided to donate their organs in greater numbers if organ donation is made an opt-out rather than an opt-in choice. Or people can be encouraged to plan for retirement by making pension contributions automatic for everyone who does not explicitly opt out of the system. "Nudging" is appealing because it provides many of the benefits of top-down regulation while avoiding many of the drawbacks. Bureaucrats and leaders of organizations can guide choices without dictating them. Thaler and Sunstein call the approach "libertarian paternalism": it lets people "decide" what they want to do, while "guiding" them in the "right" direction.

The main problem, though, is that Thaler's and Sunstein's ideas presume that good technocrats can use statistical and experimental results to guide people to make choices that serve their own real interests. This is a natural belief for scientists and some intellectuals, especially those who see the ways scientific knowledge is ignored and politically abused: they think life would be better if scientists had more authority. However, this idea of guiding has

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been widely contested in all the democratic movements of this century – most recently with the issue of mask mandates and vaccines in the midst of the COVID pandemic.

Influencing people behind their back is often considered to be the most problematic aspect of nudging, because it is not apparent to the nudgee what is happening. However, for me this is not the problem. We are constantly influenced in both good and bad ways. The television show *24*, for example, has had a bad influence by somehow making torture banal; it has had a good influence by portraying a black president and smart, powerful women. It is not obvious how to decide what are good or bad influences, and considering that some people can decide this for others is actually the *antidemocratic* point of nudging. In any case, Sunstein offers a way out by means of the publicity and transparency condition, according to which nudges 'should be visible, scrutinized and monitored' (2014, 147–148).

While publicity and transparency conditions are clearly important, they are not enough to answer the manipulation objection. Being open about nudges does not make them less manipulative. The problem is *political* and the idea of nudging is a problem for democracy.

The liberal paternalist's idea is that nudges try to "make the person do something that she has not herself (actively) chosen" (Tengland 2012, 144). The wrongness of nudging lies not so much in what it gets people to do (a discussion about goals) but in how it works (the techniques that pervert the decision-making process) and the political and moral hierarchy it supposes. We manipulate a lot and are being manipulated, but the question is by whom and with which justifications. Is being manipulated into what someone else thinks is good for me the right thing for me? This is what we do not accept if we are full-fledged citizens. I am certain that in this sense the promoters of nudging wouldn't like being nudged themselves (although they might well deny this).

As Jeremy Waldron (2014) puts it, nudges are

an affront to human dignity: I mean dignity in the sense of self-respect, an individual's awareness of her own worth as a chooser [...] My capacities for thought and for figuring things out are not really being taken seriously.

Waldron rightly does not want to live in a "nudge-world" full of manipulating marketers and policy-makers; he wants the government to respect us and let us err autonomously rather than round us up and herd us like sheep into the pen of health or happiness.

However transparent it might be, and even if it helps me reach my true goals (for example, a healthier life*)*, nudge manipulation is wrong in the sense that, and because, it perverts my decision-making capacities. In any case, it should not be presupposed that I

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implicitly accept being nudged even for the common good, especially a common good that has been determined without my participation.

3. Democracy and education

Many have noted a tone of skepticism about, and frustration with, democratic decision-making in Sunstein's writings. Rather than being "citizens"—a description that emphasizes humans' political status and their active participation in choosing and controlling those they elect—humans are primarily regarded in his writings as "consumers" (hence the cafeteria example, even if it is carefully presented as a public institution), emphasizing their role as market actors (and somewhat passive ones at that).

Thus, one of the principal arguments against nudges is that we *as citizens* impose constraints on *ourselves* by electing officials who will regulate in our collective interests, even through public discussion. Democracy and its nature are incompatible with nudges: no one wishes to be constrained by people who know better, even to do good things. Sunstein sees traditional regulation as problematic because it is analyzed as strongly paternalistic, particularly in limiting the freedom of choice of *consumers* for their own good; he wants to have consumers freely choose their own good. But what citizen wants that? And why should we each work for our good and not the government? Nudges lets forms of governances off the hook by giving individual citizens responsibility for the common good. The idea of public service seems incompatible with nudging, since responsibility lies either with the government (which has to explain and submit its actions to the citizens) or with the people (who then will neither want nor need to be nudged towards decisions made by others).

The most worrying aspect of paternalism has to do with its use of empirical evidence. Sunstein is apparently committed to evidence-based policy-making. At several points in the book, he stresses the need to test criticisms of nudging against empirical results of nudging in practice. But what strikes me is how *un*empirical Sunstein's book is, not just because he doesn't appear to do empirical work himself but because he underreports available evidence against nudging. He is attempting to present a *theoretical* defense of nudging, rebutting claims that nudging is paternalistic. A detailed investigation was carried out by the Science and Technology Select Committee of the upper House of the United Kingdom's Parliament (the House of Lords) (2010-2012). McCrudden and King (2016, 91) comment:

> This Report makes sobering reading for those contemplating introducing nudging as a central element in government regulation. Evidence from this Report in the United Kingdom indicates that, *as practiced*, nudging undermines human dignity

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in at least two ways: first, by diverting government from its responsibility to use other, more effective, instruments that would secure the just redistribution of resources essential to us being able to exercise our human agency; and, second, by reducing opportunities for public deliberation and democratic discourse in favor of non-transparent, technocratic manipulation.

Thus some types of nudging strategies in practice restrict the opportunities for citizens to act as moral agents, and restrict government responsibilities. The relevant critique of nudging is based not on freedom, but morals; if we want to analyze nudging and the influence and effect of choice architecture, environment, and policy on people, we obviously need a thicker understanding of ethics, and we will want to adopt a more complex conception of the person and agency, as well as a deeper sense of responsibility and accountability for the role of government in furthering the common good.

Seeking to pursue actually progressive politics should surrender the nudging paradigm in favor of regulation that is more transparent, more democratic, and allows citizens to act as moral agents. It is not surprising that nudging has always been studied and promoted by center-right-wing governments. The fact that this is done with the help of academics is revelatory of the antidemocratic drive that has come to affect contemporary political thought.

4. Defenses of paternalism

For some commentators, education and information are not enough to conduct our lives; we are pretending that we are competent in ways we are not and should be more modest:

> And because coercive paternalism not only recognizes our cognitive shortcomings, but moves us to help us where those abilities are shaky, it actually values our choices about our ultimate goals more than does the sort of paternalism that simply gives us a hint in the right direction but then keeps out of the way as we make choices that entirely undercut our aims and values (Conly, 242–243).

But why should these authors' values be stronger that any citizen's?

What is actually very strange is the obsession with the fact that *people* make bad and non-rational choices—"choices that entirely undercut our aims and values." But who has made bad decisions? Are individuals/ordinary people responsible for what happens to the climate, perhaps more culpable than people in power?

Insisting on informing and persuading gets things wrong; nudges aim to help people to do what they are already convinced of. For Conly it is hard to see how this would be degrading, insulting, or disrespectful. He adds, characteristically: "To insist that governments

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should treat us as rational beings is somewhat absurd in light of the evidence that reveals this to be an unrealistic ideal that gives rise to ineffective policy measures." How can governments reliably come to know what people themselves judge to be their real preferences? We can usually expect capitalism to manipulate us, but not governments, for this would mean that liberal governments are at the service of capitalism (an old suspicion, but one totally justified by this nudge obsession).

According to Waldron (2014), nudging policies involve two radically separated parties. First, there are ordinary, biased, myopic, and weak-willed people (the nudgees). Second, there are people "endowed with a happy combination of power and expertise" (the nudgers), who know how ordinary people think and can use clever choice architecture to influence their decisions. Waldron is thus concerned with government officials and experts ('them') steering ordinary people ('us') towards specific goals.

Many defenders of nudging do not believe that employing nudges implies that one has to stop informing and persuading people, but they think that focusing exclusively on the latter is likely to prove ineffective, because it is based on an unrealistic view of human behavior and psychology. But again, this involves ignorance of the actual processes of decision. Knowledge, information, and action cannot be separated in a process that would move from knowledge and its consolidation to rational decision and action. This simplistic rationalist scheme, already fragile for the individual, is downright ineffective for the collective. The complexity and singularity of situations results in irreducible uncertainty as to the results of human action and, consequently, in particular difficulties encountered in formalizing these actions. Hence the need for practical knowledge, Aristotelian *phronesis,* which articulates knowledge and action: analyze a case in its complexity before taking a decision, take into account all opinions and interests, allow collective deliberations, remain attentive to signals that could be indicators of hidden or invisible difficulties, and so on. This capacity for *phronesis* and prudence consists in integrating all the additional premises implied by the particularity of human actions and situations, what Castoriadis calls "the realm of the human."

Thaler and Sunstein focus on obvious cases. Of course, we can safely assume that the majority of people want to be 'healthy, wealthy and happy.' Who really and explicitly wants to die in a car crash or from obesity-related causes or from pollution? But these caricatured examples have little to do with everyday moral problems and moral decisions.

5. Consent to nudging

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The nudge theorist gives a more perverse answer to Waldron: in democratic societies like ours, "we" (the citizens) are part of "them" (the government). "What 'they' do, 'they' do in 'our' name and because 'we' enable 'them' to do it." Nudging is not about being manipulated by experts who know better, but about us "collectively invoking government's help when we know we are likely to make bad decisions." (Conly, 30)

But to what have we consented in electing a government? Not to everything it does. Democracy is not limited to the moment of elections, it is also at work between these moments: it is a permanent claim of citizens to their own power.

Why are they – the manipulators – in a better position than us – the manipulees – to know what we really want? Why should we trust 'them' with this kind of judgment and power? This is the matter of *consent*. Even if nudges are manipulative, consent counts as a reason for justifying them: for promoters of nudging, *manipulation can be justified* only when the manipulee would endorse the process, or the means to the end attained, along with the end.

"What exactly is the problem with government nudging us towards our health, if we are informed about and agree with its goal (we want to become healthy) and its means (we want to be nudged to become healthy)? Such a government is not so much disrespecting its citizens as taking up its responsibility to help citizens act upon their own values" (Carter and Hall 2012, 11).

We want to stress the role of vital democratic processes – a role that is dismissed by nudge theorists. There is a neoliberal tendency—in this deploration of mistakes and errors of ordinary citizens—to transfer state responsibilities to individuals. This leads, as we know, to the dilution of responsibilities; the arrangement is very different for these decisions (what you should do for the common good) depending on whether you are a president, minister, business owner, an Amazonian Indigenous person expelled from your land, or an unemployed person who does not have enough money to pay for gas to get to a job. The question is therefore: who can make these decisions, or rather, who does not make these decisions? Who nudges whom?

Hence we must attend to the historical importance—as in the case of tobacco or the AIDS epidemic, and now with climate change—of public discourse and engagement. But also to the fact that there are many people doing something, developing innovations with society ("short circuits," local initiatives to promote local production; organic agriculture; grassroots, movements fighting for environmental justice, etc.). Many people also act on a daily basis in

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inner cities, for example, to maintain or restore social cohesion. They don't need to nudge, or to be nudged.

To be a bit provocative, we could say that the people who need nudging are those who have the power to nudge and want to guide others' behavior. Without going so far, perhaps we could tell Sunstein and company that instead of looking for nudges and for ways to change other people's behavior, you have to change the way you yourself ask questions, and try to change your own behavior.

The first step in any promotion of nudging is the need to take into account the interests of *all* and not only of experts and governments—this means democratic participation in deciding on what constitutes the common good. The public can no longer be conceived as an ignorant mass whose irrational fears or erroneous beliefs must be contained, but rather must be regarded as a competent community of citizens if the idea of democracy makes sense. The aim today is to take into account of and assess the public's ability to organize and acquire a collective understanding of political and general issues – the public being defined as all those *affected by* decisions and who should have a voice in them. Any method for influencing choices must integrate and recognize the competence of citizens: democracy is defined as government through the equal participation of all, without distinction as to citizens' possession of knowledge.

John Dewey's analyses of what he calls the "constitution of the public" are important here. Dewey recognizes that all members of a society have equal responsibility and competence in the collective work of dealing with the public issues that arise in the near future for them and that they are under an obligation to resolve. Inquiry is a procedure whereby a "community of inquirers" manages to solve a "problem situation" with which it is suddenly confronted. It is therefore a collective work, carried out in three stages: recognizing the problematic situation; defining the problem it poses; and discovering the most satisfactory solution from the point of view of its foreseeable consequences. It is not a matter of individual choice. By contrast, the concept of nudging denies the collective character of political choice, leaving each person on her own.

Dewey's inquiry apprehends the members of a society as they are at the time when they must engage in collective research and respect its logic - considering that the necessarily public nature of this investigation imposes a framework within which the arguments exchanged adjust to each other in such a way that they remain acceptable to all. In *The Public and Its Problems* (1927) Dewey applies this conception to the realm of politics.

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In this book, Dewey starts from a Durkheimian idea: "There is no sense in asking how individuals come to be associated. They exist and function in association." However, in the last chapter of his (1927), he writes, "The fact of association does not by itself produce a society. This requires (...) the perception of the consequences of a joint activity and the distinctive role of each element that produces it." Such a perception creates a common interest, i.e., a concern on the part of everyone for joint action and for the contribution of each of the members who engage in it. So there is something that is truly social and not just associative. Dewey calls this method democracy. He admits a certain division of labor: if the inquiry is in the hands of experts, they must deliver all the data they produce (and do so completely and honestly) to citizens who engage in collective debate on this basis of objectivity (whose validity they can also criticize). In this distribution, all that is required of citizens is to be able to understand what these specialists are telling them.

As Dewey fully recognizes (1927):

the ability to judge the extent of the knowledge provided by others on common concerns. As long as secrecy, prejudice, bias, false reports and propaganda are not replaced by investigation and publicity, we will have no way of knowing how much the existing intelligence of the masses could be capable of judging social policy.

For Dewey, the intelligence of the actors is less important than the "collective intelligence" deployed by a community of investigators using the democratic method.

The appeal of inquiry theory today, the recognition that ordinary people are not politically impotent, ignorant, or incompetent, can be explained by a decline in belief in the determinacy of politics, under the influence of the disillusionment it has never failed to provoke; by the growing demand for "participation."

The appeal to participation and citizen involvement is undoubtedly the result of a widely accepted idea, found both in public life and even in some academic research, that people have competence in deciding what is good for them when it comes to the questions that concern/affect them. Empirical analysis of these participatory mechanisms seems to show that they still fail to give real power to citizens to act and decide. The demand for real democracy goes far beyond what these illusory and manipulative techniques of citizen empowerment can produce (consider the case of "public debates" on energy or waste storage according to the theory of nudges). It lays down a radical and ordinary requirement: every citizen of a society possesses political knowledge that is sufficient to unconditionally give them the responsibility to make decisions that affect the future and destiny of a community.

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6. Viewers' competence and moral progress: education through TV shows

Studying TV shows means paying attention to 'popular culture' as a moral resource. Reconsidering the 'popular' leads to rethinking the connections between culture and democracy, in order to organize both of them pragmatically around actual, shared practices and forms of life. Popular culture (movies and TV shows, videogames, as well as music, Internet videos, and so on) plays a crucial role in re-formulating ethics and in the political and social constitution of democracy. It gives us an alternative to "nudging" paradigms. Dewey (1927, 1934) defines the public as emerging from a problematic situation: individuals experience a problem that they initially see as arising from private life, and a solution is arrived at through the interactions between those who decide to give public expression to this problem.

The digital revolution has allowed for new forms, agents, and models of artistic action. My ERC project DEMOSERIES (https://www.demoseries.eu/) considers security TV series as the site of an "education for grownups" through the transmission and discussion of material that is widely available and shareable. The project will study the role of security TV series in the transmission of meanings and values. Though forms of soft power may seek to use fictional representations of terrorism to attempt to influence the enemy's decision-making processes or as forms of internal propaganda, movies and TV series can play a subtler, significant, and so far under-studied role in shaping scholarly analysis, education, and collective understandings of terrorist violence.

In 1935, W. Benjamin reflected on the consequences for human lives and societies of new techniques for mechanically reproducing visual and musical works of art. Today, the digital revolution has allowed for new agents and models of creation that contest both elitist conceptions of "great art" and "populist" conceptions of popular art. TV series are now seen as spaces where artistic, ethical and hermeneutic authority can be re-appropriated, and where viewers can be empowered by constituting, sharing, and discussing their own unique experiences—not choosing to be nudged but determining their own tastes and cultural personality. The lack of formal or technical training required for viewing moving images makes it distinct from other art forms, and more democratic.

This is also a reframing of ethics. In this context, we may redefine popular culture's specific "nudging" , i.e. agency: no longer as "entertainment" (even if that is part of its social mission), but also as a collective labor of moral education, as the production of values and ultimately of reality. This culture (comprised of blockbuster movies, TV series, music, videos shared on the Internet, etc.) plays a crucial role in re-evaluating ethics, and in constituting real

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democracy on the basis of images, scenes, and characters—on the basis of values that are expressed and shareable. The question of morality is shifted toward the development of a common sensibility which is both pre-supposed and educated/transformed by the sharing of values.

Series create care and awaken affectivity through digital moving figures or situations. Their very form gives them their moral value and expressivity: the regularity with which viewers frequent them, the integration of characters into viewers' ordinary and familial lives, viewers' initiation into new and initially opaque forms of life and lexicons, viewers' attachment to characters, and finally, the methodology and modes of narration of series. This leads to revising the status of morality, locating it not in rules, transcendental norms, or principles of decision-making, but rather in attention to ordinary behaviors, to everyday micro-choices, to individuals' styles of expressing themselves and making claims. These are transformations of morality that many philosophers, weary of overly abstract meta-ethics and overly normative deontological ethics, have called for. One of the tasks of series philosophy would be to demonstrate, through a reading of the moral expressivity constituted by a series, the individual and collective moral choices, negotiations, conflicts, and agreements at the basis of moral representation: the choices and trajectories of fictional characters, the twists and turns of the plot.

New modes of participation and interaction are opening the way for new forms of subjective authority. Today, the question of democracy indeed becomes the question of the individual's capacity for unique aesthetic and moral actions decisions and choices, and for making an active and creative usage of fiction. Film and TV series are now not only the subject of study or analysis by film critics or researchers, but also subject to in-depth analysis by large crowds including audiences and producers. This profoundly transforms the question of nudges and somehow makes it trivial, although no less problematic. Education thus conceived, including education of grownups, may appear as an alternative paradigm to nudging.

Bibliography

Benjamin, W. *The Work of Art in the Age of Mechnical Reproduction* (1935), (New York, Classic Books America, 2009)

For Katz, Schiepers and Floyd eds.,
Nudging Choices Through Media : Ethical and Philosophical Implications for Humanity
Springer Nature, forthcoming

Carter, A. and Hall, W. "Avoiding Selective Ethical Objections to Nudges", *The American Journal of Bioethics* 2012 (12 (2)), 12-14.

Cavell, S. "The Availability of Wittgenstein's Later Philosophy", in Cavell, *Must We Mean What We Say? A Book of Essays*, pp. 44-72. New York: Cambridge University Press.

Cavell S. *The Claim of Reason: Wittgenstein, Skepticism, Morality and Tragedy* (Oxford, 1979)

Cavell S. *Conditions Handsome and Unhandsome* (University of Chicago Press, 1993)

Centre d'analyse stratégique, *Note d'analyse 216 – "Nudges Verts*": *de Nouvelles incitations pour des comportements écologiques* (mars 2011), at http://archives.strategie.gouv.fr/cas/content/note-d%E2%80%99analyse-216-nudges-verts-de-nouvelles-incitations-pour-des-comportements-ecologiques-.html (accessed March 21, 2022).

Conly S. *Against Autonomy* (Cambridge: Cambridge University Press, 2012)

Dewey J. *The Public and Its Problems*, *An Essay in Political Inquiry* (Athen, OH: Swallow Press, 1927)

Diamond C. *The Realistic Spirit: Wittgenstein, Philosophy and the Mind* (MIT Press, 1991)

Emerson, R.W. "Self-Reliance" (1841). In *Self-Reliance: Essays and Essays, Second Series*, *The Portable Emerson*, ed. J S. Cramer, New York: Penguin Books (2014).

Floyd and Katz, eds., *Philosophy of Emerging Media: Understanding, Appreciation, Application* (Oxford University Press)

House of Lords Science and Technology Select Committee, 2nd report of session 2010-2012. *Behaviour Change*. House of Lords, 2011. At https://publications.parliament.uk/pa/ld201012/ldselect/ldsctech/179/179.pdf (accessed March 21, 2022).

Laugier 2019, *Nos vies en series*, Flammarion Climats, Paris

McCrudden Ch. & J. King "The Dark Side of Nudging" in Alexandra Kemmerer/ Christoph Möllers /Maximilian Steinbeis/Gerhard Wagner (eds.) *Choice Architecture in Democracies. Exploring the Legitimacy of Nudging* (2016).

Qizilbash, M. 2012 Informed desire and the ambitions of libertarian paternalism. *Soc Choice Welf* **38,** 647–658 (2012). https://doi.org/10.1007/s00355-011-0620-8

Rawls, J. *A Theory of Justice* (Cambridge, Harvard University Press) (1971)

Sunstein C.R. *Why Nudge? The Politics of Libertarian Paternalism* (New Haven, CT, Yale University Press, 2014).

Sunstein C, Thaler R (2003b) Libertarian paternalism is not an oxymoron. Univ Chic Law Rev 70: 1159–120 Sunstein C, Thaler R (2005) Libertarian paternalism. In: Sunstein C (eds) Laws of fear: beyond the precautionary principle. Cambridge University Press, Cambridge

Thaler R., Sunstein C (2008) Nudge: improving decisions about health, wealth and happiness Penguin. Penguin Books, New York

Tengland PA 2012 Behavior change or empowerment: on the ethics of health-promotion strategies - *Public health ethics*, **2012** - academic.oup.com

Thaler R.H. and Sunstein C.R., *Nudge: Improving Decisions about Health, Wealth, and Happiness* (New Haven, CT, Yale University Press, 2008).

For Katz, Schiepers and Floyd eds.,
Nudging Choices Through Media : Ethical and Philosophical Implications for Humanity
Springer Nature, forthcoming

Waldron J. 'It's All For Your Own Good' *NY Review of Books* (October 9, 2014)

Wittgenstein, *Philosophische Untersuchungen = Philosophical Investigations*. Trans. and Edited by Anscombe, G. E. M., Hacker, P. M. S. and Schulte, J. Malden, MA, Wiley-Blackwell (2009).