Nudging Ourselves to Death

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Speeding Towards a New City

There's an old quip attributed to Henry Ford that no one was looking for the car to be invented; they just wanted faster horses. Even that is not true. What city-dwellers in the late 1800s had a problem with was manure. One early urban planner predicted that the biological waste generated by the primary transport system of Manhattan – horse manure – would grow to such a scale, that by 1930, it would stack as high as the third-storey windows.[1] Ford's innovations were central in the resolution of the problem of horse waste. The car originally arrived as a miraculous solution to a seemingly intractable pollution crisis.

Yet the car brought its own series of problems that could not have been anticipated by early adopters and which seem intractable to us. With knowledge of how carbon dioxide emissions affect the atmosphere, we would re-evaluate the early optimism that viewed the car as a miracle.[2] Cars prompted us to dramatically reorganise our use of urban space.[3] At the onset of the technological revolution brought about by the internal combustion engine, the threat to public safety that motoring would cause could not be foreseen. That human bodies do not fare well upon impact with automobiles would not be surprising, but the scale at which such collisions occurred might have prompted more hesitance about the adoption of the new mode of transportation. Travel by horse is not without risk, but the dangers of private car travel are now well known. The current Government invests in lavish and oftentimes grotesque televised advertisement campaigns to remind us of that brutal fact.

Almost as soon as we had cars, we had speeding. In his history of the automobile, Brian Ladd argues that "for the early enthusiasts, speed was the key attraction."[4] Yet as ownership of the car broadened, from being the exclusive privilege of the elite to an aspiration of the middle-class, the problem of speed was combined with congestion. Driven by a concerted political movement known at the time as "motordom", by the mid-1920s, the shape of urban spaces around the western world

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[1] Elizabeth Kolbert, "Hosed," *The New Yorker*, November 16, 2009, 75.
[2] It may be worthwhile considering whether we can extend that insight and generally assume that any technological solution to a pollution crisis is likely to generate its own, more intensified, pollution crises.
[3] Continuing on Manhattan-based reflections, the battle to build expressways into the city of New York was one of the definitive urban planning battles of the 20th century. It is well treated in: Roberta Brandes Gratz, *The Battle for Gotham: New York in the Shadow of Robert Moses and Jane Jacobs* (New York, NY: Nation, 2010), see especially 97-104.
[4] Brian Ladd, *Autophobia: Love and Hate in the Automotive Age* (Chicago, IL: University of Chicago Press, 2008), 16.

was being reconstituted to accommodate the car.[5] With the rise of the car as the default form of transport "came a new city – a city that conforms to the needs of motorists."[6]

This new city was justified on the grounds of public safety because the number of fatalities in the early decades of motoring was astonishing. In the United States in 1925, well before the car reached its saturation point, 7,000 children were killed by cars and trucks.[7] This represented a public health crisis wherever cars proliferated. Rather than deal with the problem on a fundamental level – by either addressing the fact that motor vehicles are engineered to travel at speeds which are fatal to humans or by addressing why drivers engage in potentially lethal, reckless behaviour – cities and towns across the world were rebuilt to tame and domesticate the miraculous liberating machine, which sadly happened to kill people in massive numbers. This led to the creation of streets that were more hostile to pedestrians, horses, bicycles, trams, and any other transport system and more amenable to cars and trucks. Speed limits and traffic lights were introduced to curb the risk, streets were widened, laws were enacted about where and when humans could traverse the boulevards, and in time, the architecture of our urban spaces became marked by speed inhibiting devices: "the now nearly universal speed controller is the speed bump or the rumble strip."[8] First introduced in the 1980s, the speed bump[9] which is now ubiquitous outside schools, hospitals, elderly-care homes, and other places where vulnerable populations gather, is perhaps the most commonly encountered example of a policy "nudge".

Not Your Father's Paternalism

Faced with the troubling fact that adults are regularly willing to risk ending the lives of other people – especially pedestrians and especially the young and the aged – for the sake of arriving at their destination slightly quicker, the reflective policy-maker ought to pause. The solution of *nudging* drivers towards safer conduct through speed bumps can be understood as an example of the instinctive reaction of Irish policy makers to any problem. Our political culture has been deeply influenced by the ideas made famous by Richard Thaler and Cass Sunstein in their 2008 book,

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[5] Peter D. Norton, *Fighting Traffic: The Dawn of the Motor Age in the American City* (Cambridge, MA: MIT Press, 2008), 3.

[6] Norton, 7. Joseph Brady tracks in detail how the city of Dublin adapted to the automobile. His discussion of pedestrian safety is noteworthy: "The pedestrian needed protection from the traffic flows too, though they were also notorious for ignoring all regulations. The big initiative was the intention to build more central street traffic islands. These were felt to have the effect of slowing down traffic and forcing vehicles to keep to the centre of their lanes. The fact that vehicles had a tendency to crash into these islands was put down to bad driving rather than an inherent fault in the concept." Joseph Brady, *Dublin in the 1950s and 1960s: Cars, Shops, and Suburbs*, (Dublin: Four Courts Press, 2017), 162–219, 172.

[7] Norton, *Fighting Traffic: The Dawn of the Motor Age in the American City*, 24 For context, with about ten times as many cars on the road, in 2017, 939 children were killed by motor traffic accidents (Insurance Institute for Highway Safety, "Fatality Facts 2017: Children", https://www.iihs.org/topics/fatality-statistics/detail/children). An interesting local side-note is that the Irish scientist Mary Ward is accepted to be the first person to die in a motor car accident (or "road engine" as it was described in contemporaneous newspaper reports), which took place on August 31st, 1869, outside Birr. Robert Hume, "150 Years Ago Today, an Irishwoman Became the First Person in the World to Die in a Car Crash," *Irish Examiner*, August 31, 2019, https://www.irishexaminer.com/breakingnews/lifestyle/features/did-you-know-an-irishwoman-was-the-worlds-first-car-accident-fatality-in-1869-946081.html.

[8] Raymond F. Betts, *A History of Popular Culture: More of Everything, Faster and Brighter* (New York, NY: Routledge, 2004), 42.

[9] For the purposes of this essay, the differing technologies – speed bumps, speed humps, rumble strips, and so on – will be referred to collectively.

Nudge.[10] There, they describe the task of developing policy in terms of crafting a "choice architecture that alters people's behaviour in a predictable way without forbidding any options or significantly changing their economic incentives."[11]

While not wanting to reject the utility of this approach entirely, it is important to recognise that construing policy-formation in terms of nudge-directed choice-architecture is inherently risky. The problem that it generates is that it can tempt the policy-maker to bypass the important task of political deliberation based on moral reflection, jumping instead to a technocratic understanding of the common good.[12] This is not a bug, but a feature of Thaler and Sunstein's project. Their operating assumption is that we cannot trust people to make effective self-interested choices. As such, policy grounded in a rational choice philosophy is bound to go awry.[13]

But a paternalism informed by behavioural economics is not the only alternative to crass rational choice theories. What both approaches share is a hesitance to consider that policy and politics entails deep ethical visions and is always informed by profound moral commitments.[14] This is explicit in the dogmatic libertarianism of rational choice theory and implicit in the paternalistic libertarianism of nudge methodologies. But both approach political issues as problems to be solved. There is a deeper political tradition – which is sustained in the Catholic Social Teaching tradition – from which we can draw, that sees politics as an ongoing process of learning to live together better, grounded in a primordial peace as opposed to a mythic conflict.

More Than a Bump in the Road

In the late 19th century, cities faced a pollution crisis based on an excess of horse manure. By the 20th century this transmuted into a public health crisis caused by speeding. Today, there is a growing realisation that the problem has evolved into air pollution.

When we imagine society as a space filled with problems, policy becomes a domain for the invention of solutions. Efficient fixes which generate their own problems that require fixing is rarely considered a demonstration of *inefficiency*. Instead of imagining policy as a deliberative process based in thick communal commitments, we come up with the fastest way to remedy whatever we

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[10] Thaler and Sunstein actually use road architecture as one of their examples. Richard H. Thaler and Cass R. Sunstein, *Nudge* (New Haven, CT: Yale University Press, 2008), 38–39.

[11] Thaler and Sunstein, 6.

[12] This is a different objection to the one that Thaler and Sunstein anticipate. They imagine that the issue of contention with their proposal will be with those who ideologically support choice maximisation and who automatically oppose all coercion. Informed by Catholic Social Teaching, a reader will agree with Thaler and Sunstein that people's choices are often poor and that there is no way to avoid influencing people when instituting policy. But granting the strength of their points about choice and influence, there is a whole other flank to the nudge methodology that is problematic. Imagining the political task in terms of user-friendly choices represents a deeply under-nourished account of our shared life. This approach will always generate risks when applied in complex contexts because by design it frames the problem in a way which reduces the complexity that can be discussed. Thaler and Sunstein, 9–11.

[13] "If consumers have a less than fully rational belief, firms often have more incentive to cater to that belief than to eradicate it." Thaler and Sunstein, 80–81.

[14] It is important to note that "old fashioned" paternalism also evaded this ethical element to politics by offering off-the-shelf answers to all moral questions backed-up by institutional authority. A truly democratic politics would avoid paternalism *by* insisting on the responsibility of each citizen engaging to the best of their own abilities in reflecting on and working towards the goods we share in common.

have decided is negative. The reorganisation of our city streets to accommodate motor traffic is no longer seen as a political decision that entailed marginalising other road users[15] but common-sense. And the only objection to the installation of speed bumps would be increased inconvenience. The fundamental tension is left untouched; that our culture encourages acceleration in various ways that are differently lethal.

placed warm blankets on easy-to-reach shelves while relegating coal to awkward corners A recent broad and extensive study by the British Royal College of Physicians claims that 40,000 deaths a year in the UK are attributable to air pollution. They are clear that exposure to busy roads is a particular risk factor.[16] It is recognised that "most pollutant[s] from vehicles are released during acceleration and braking" and so an unintended consequence of speed bump installation is an increase in "vehicle emissions, because they lead to lower speed of vehicles and to more frequent vehicle acceleration and braking."[17] Numerous studies have now demonstrated that such infrastructure "undoubtedly increase particulate matter pollution and are often installed near objects sensitive to pollution, such as schools."[18]

Installing speed bump infrastructure is an effective safety measure.[19] But the nudge methodology always entails a risk, because it leaves the moral question at the heart of a policy issue unaddressed and shifts straight to solving a cleanly defined problem. Defining the problem so cleanly often means discarding lots of relevant information. As long as we analyse the speed bump only in terms of the risk of speeding, the speed bump is a safe technology. Stepping back and considering what we now know about air pollution, the speed bump intended in a large part to make the urban space safe for children turns out to have exposed children to significantly increased air pollution.[20] The solution creates its own problems, harder again to solve. One mainstream estimate suggests "dirty air causes 7 million early deaths annually, more than AIDS, diabetes, *and* traffic accidents *combined*."[21]

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[15] Cyclists, for example, are literally pushed into the margins.

[16] Royal College of Physicians, "Every Breath We Take: The Lifelong Impact of Air Pollution," Report of a Working Party (London: Royal College of Physicians, 2016), 94, https://www.rcplondon.ac.uk/file/2912/. Road accidents, even after decades of engineering achievements, the reorganisation of our urban streets, and large-scale public information campaigns, continue to cause well over 100 deaths a year in Ireland. 147 deaths in 2018. Road Safety Authority, "2018 Another Record Low for Road Fatalities," RSA.ie, December 31, 2018, https://www.rsa.ie/en/Utility/News/2018/2018-Another-Record-Low-for-Road-Fatalities/.

[17] Tomas Januševičius and Raimondas Grubliauskas, "The Effect of Speed Bumps and Humps on the Concentrations of CO, NO and NO2 in Ambient Air," *Air Quality, Atmosphere & Health* 12, no. 5 (2019): 635.

[18] Hab P Baltrenas, Tomas Januševičius, and Aleksandras Chlebnikovas, "Research into the Impact of Speed Bumps on Particulate Matter Air Pollution," *Measurement* 100 (2017): 66, https://doi.org/10.1016/j.measurement.2016.12.042.

[19] Speed bumps are "one very effective way of ensuring that desired speed limits are not exceeded." Tajudeen Abiola Ogunniyi Salau, Adebayo Oludele Adeyefa, and Sunday Ayoola Oke, "Vehicle Speed Control Using Road Bumps," *Transport* 19, no. 3 (2004): 131.

[20] Baltrenas, Januševičius, and Chlebnikovas, "Research into the Impact of Speed Bumps on Particulate Matter Air Pollution," 62.

[21] Beth Gardiner, *Choked: Life and Breath in the Age of Air Pollution* (Chicago, IL: University of Chicago Press, 2019), 4, emphasis added. Tim Smedley's work also catalogues the harm caused by air pollution. He reports that "The Columbia Center for Children's Environmental Health goes so far as to say that air pollution is the root cause of much of the ill health in childhood today." Tim Smedley, *Clearing the Air: The Beginning and the End of Air Pollution* (London: Bloomsbury, 2019), 145.

When we consider other examples of public health risks from air pollution in recent Irish history, we discover that the threat was not addressed through nudges, but diktat. When coal-burning caused a smog crisis in Dublin, policies were not introduced which of the supermarket. "The city council simply banned the sale, marketing and distribution of smoky (bituminous) coal." As Gary Fuller reports, "this was an instant success. The effect was dramatic."[22] The "near instantaneous change" was brought about through a decisive commitment to preserve something important and good that is shared in common, even at the restriction of individual autonomy.[23] Some problems are too complex and some risks are too great to leave the response as a mere nudge.

Contemporary Application: How Nudges Play Out in The Environment

All contemporary conversations about risk must eventually arrive at the reality of climate and eco-system breakdown. We have long moved past the point where any credible scepticism can be sustained about the reality of anthropogenic (induced by humans) climate change. Only the extent of the problem is up for debate, with mainstream views ranging from "treacherous to catastrophic"[24] out to "the new world we are stepping into will be so alien from our own, it might as well be another planet entirely."[25] It would be a mistake to hold out hope that under that debate may lie some hope of a happy ending. The ambiguity we face is not caused by a lack of data, or an imprecision in our physical measurements. The darkness that confronts us in climate breakdown is internal to our nature. Human society remains the risk-factor that poses the greatest threat. We do not know what comes next, because we do not know ourselves and cannot trust ourselves to do the good.

Seen in this light, even the most ardent secularist can come to see why Pope Francis insists that "the present ecological crisis is one small sign of the ethical, cultural and spiritual crisis of modernity."[26]

The last generation of Irish governance has been deeply committed – orthodox even – to neoliberal doctrine.[27] An eager embrace of nudge methodologies should therefore come as no surprise. The language of nudging and the utilisation of behavioural psychology methods to achieve policy objectives is a logical next step from previous patterns. During the Celtic Tiger era, tax incentives were a dominant tool to encourage investment in communities.[28] The fundamental questions around how a community uses its resources for the common good was relocated from sites of public deliberation to the offices of financial advisors and tax consultants. During the years of austerity, NAMA's batched commodification of property was used to attract the investment thought necessary

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[22] Gary Fuller, *The Invisible Killer* (London: Melville House, 2018), 206.

[23] Fuller, 208.

[24] Mary Robinson and Caitríona Palmer, *Climate Justice* (London: Bloomsbury, 2018), 6.

[25] David Wallace-Wells, *The Uninhabitable Earth: Life After Warming* (New York, NY: Tim Duggan Books, 2019), 220.

[26] Pope Francis, *Laudato Si'* (London: Catholic Truth Society, 2015), §119, http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

[27] The author has sustained this argument at length elsewhere. See, for example: Kevin Hargaden, *Theological Ethics in a Neoliberal Age*, (Eugene, OR: Cascade, 2018), especially: 1-33, 81-124.

[28] "Capital allowances were on offer for hotels, holiday camps and holiday cottages, sports injury clinics, third-level education buildings, student accommodation, multi-storey car parks, park and ride facilities, crèches, private hospitals and nursing homes." Shane Ross, *The Bankers* (Dublin: Penguin, 2009), 124.

to secure recovery.[29] Reflection on the ethical black-holes that generated the economic crash was deferred as it was decided that intensifying the practices that made us ill was the fastest route to restored health. And as the Irish Government now seeks to grapple with climate and eco-system breakdown, it again evades the fraught, *risky* business of political argument and resorts to cost-benefit analyses and the literal language of "nudge".[30]

The Minister for the Environment declares that carbon taxes are not the beginning of a just transition to a post-fossil economy. Instead they exist "to nudge people to change their behaviour."[31] The Taoiseach reiterated that lack of vision at the Fine Gael party conference, insisting that carbon taxes are "about nudging people and business to change behaviour and adopt new technologies."[32] When the Government launched its long-awaited all-departmental plan to tackle climate breakdown, the Taoiseach again declared that the Government's role was to "nudge people and businesses to change behaviour."[33]

Approaching every issue as a question of choice architecture reduces politics to technique. Marshalling people into the behaviour you want through nudges is not the same thing as guiding people into right behaviour. The risks that are introduced when politics is reduced to a series of nudges are inevitable. The speed bump ought to slow us down enough to realise that their ubiquity is a sign of a political culture that has lost its moorings.

The Christian conception of politics – much older than feudalism, never mind democracy – cannot be reduced to technical approaches. For the Christian, the political task is inextricably bound up with love. The community – a *polis* – is that group of people bound by the things they love in common. It is invariably an ethical endeavour because it concerns the preservation and cultivation of the things we mutually treasure. The primary concern in the political realm is thus not efficiency, or autonomy, or impact, or any of the other metrics so beloved in our neoliberal age. Politics is concerned with the compromises that encourage our shared flourishing. "Citizens of the free city," argued Augustine, famously, build their life together around "a ministering love that rejoices in the common joy of all, of many hearts make one."[34]

Considered theologically, the nudge methodology can be seen as an attempt to evade the obviously deep, ethical concerns at play in every political conversation. Addressing speeding drivers is difficult. Constructing speed bumps is easy. Even finding language to describe what is at play when someone travels through a residential area at speeds that would be fatal, were they to impact with a human

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[29] "Michael Noonan ensured that NAMA was given free rein to pursue its objective of maximising the return of its sales to the exchequer, and indeed to do so in advance of the originally intended deadline." Frank Connolly, *NAMA-Land* (Dublin: Gill, 2017), 33.

[30] Understood narrowly, tax incentives and property commodification

[31] Christina Finn, "What Has the Taoiseach Done to Reduce His Carbon Footprint? He's Eating Less Meat," *TheJournal.ie*, January 14, 2019, https://www.thejournal.ie/carbon-tax-leo-varadkar-4439191-Jan2019/.

[32] Leo Varadkar TD, "Speech by An Taoiseach, Leo Varadkar - Fine Gael National Conference, Wexford" (Speech, March 23, 2019), https://www.finegael.ie/speech-by-an-taoiseach-leo-varadkar/.

[33] Harry McGee, "Climate Plan Will 'Nudge People' to Change Behaviour, Says Varadkar," *The Irish Times*, June 17, 2019, https://www.irishtimes.com/news/environment/climate-plan-will-nudge-people-to-change-behaviour-says-varadkar-1.3928333.

[34] Augustine of Hippo, *City of God*, trans. Philip Schaff, vol. 2, Nicene and Post-Nicene Fathers 1 (New York, NY: Christian Literature Publishing Company, 1890), 286 (Book XV, III).

body, is too challenging. It is more attractive to reframe that problem as one of architecture – of road-design and of choice. But in side-stepping the invariably deep ethical considerations entailed by politics, the nudge leaves us in the inescapable path of many unknown unknowns. Nudging is a methodology that allows us to dodge the real question, but in so doing, it leaves us on a crash course with a host of as-yet-unimagined new questions.

We nudged motorists to reduce their speed by introducing bumps in the road, which had the unintended effect of polluting the air that we breathe. To reduce the costs of community development, we nudged people through the tax code towards the kind of developments we decided would be viable and inadvertently encouraged a construction bubble. With a landscape scarred by empty hotels and unfinished housing estates, we nudged international investment through consolidated asset sell-offs and unintentionally encouraged a housing crisis.[35] Now the Government faces its most complex and high-stakes challenge in climate breakdown and its overuse of nudges cannot be shrugged off.

Conclusion

In his later, more developed articulation of nudge methodology, Sunstein admits that the vision of the common good that underpins the approach demands "some form of cost-benefit analysis" as "the most administrable way of measuring the welfare effects of government action."[36] Nudge approaches can be an important and effective policy response to issues that are appropriately described in cost-benefit terms, but that describes a very small space of relatively trivial political concerns. Bullseye stickers precisely placed in men's urinals can nudge behaviour in a way that reduces the cost of maintenance of public bathroom facilities,[37] but it strains our moral and intellectual credulity to imagine that we can tackle the environmental crisis by encouraging public offices to become "far more self-conscious about selection of the appropriate defaults."[38]

The easy critique of nudge methodologies is that they are paternalistic. Thaler, Sunstein, and other leading theorists of the discipline straightforwardly respond that their advocacy of "choice architecture" is not the innovation. Every government engages in some form of paternalism because the process of policy creation invariably frames the options which are considered viable. The innovation in nudge approaches, they would argue, is that they are evidence-based and data-driven. This technocratic impulse is much more important to critique. From a theologically informed position, it represents a reduction of politics from a serious commitment to work together for the things we love into a procedural process which seeks to manufacture outcomes that some group (the leaders) decide is most appropriate.

And policy-makers, regardless of their faith commitments, should be wary on just these grounds. The nudge is a device that encourages delusion in policy-makers. All policy interventions are

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[35] A narrow understanding of "nudge" methods would preclude such fiscal initiatives but as evidenced from the Government's repeated self-description of its carbon tax policy as a nudge, there is a recognition of a familial similarity that binds the three eras of governance.

[36] Cass R. Sunstein, *The Ethics of Influence* (Cambridge: Cambridge University Press, 2016), 53.

[37] Robert Krulwich, "There's A Fly In My Urinal," *Krulwich Wonders* (NPR, December 19, 2009), https://www.npr.org/templates/transcript/transcript.php?storyId=121310977.

[38] Sunstein, *The Ethics of Influence*, 162.

normative in nature. There is no view from nowhere, and there is no policy grounded purely on the data. There is a moral universe at the core of every law and there is an ethical vision at play in every initiative. Politics is the hard work of talking through what all of this means with the people we call our neighbours. It undoubtedly saves time to skip the chat, but a lot more than a conversation is lost. Avoiding the difficult debate about the dangers of cars and skipping straight to speed bumps has led to uncountable deaths through air pollution. In all the other complex domains where governments have sought to short-circuit politics and instead nudge a bovine citizenry into right action, similar unknown unknowns have arisen. It not that a political discussion which takes seriously the moral weight of policy formation is immune from risk, but any attempt to bypass is destined for it. It is not that nudges are invalid, but that they cannot be foundational. Speed bumps have their place, but the common good will only truly be served when we take stock of the true legacy of the motor car in urban spaces.

The risk of reducing our response to climate breakdown to nudges is too great to take seriously. The political task is unavoidable and concerns the loves we share in common. Politics is moral. Methodologies that evade that are captured by a delusion that is deeply risky. Nudges, prods, pushes, and shoves may have their place, but for any complex policy problem, they invariably generate risks greater than that posed from having to engage with the person who sees things differently. A Christian approach to policy begins right there: sitting with the person who is different, and listening to what they have to say, anticipating that in so doing we will find treasures we share in common.