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## **PRESERVING CITIZEN'S LIBERTY IN DEMOCRATIC GOVERNANCE: A CASE FOR NUDGING THE CITIZENS TO VOTE**

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### **Introduction**

The idea of liberty is as essentially contestable as the idea of democracy. We often greatly treasure our constitutional liberties in a liberal democracy. All the possibilities that the idea of liberty can contain, from the point of view of an individual actor, is an absence of obstacles, constraints or limitations in doing what one desires. However, from the point of view of 'acting' out of freedom in this sense, it requires an evaluation of one's fundamental purposes of having liberty in the first place and it's true realization that gives one's existential reality a greater worth. These could, according to Isaiah Berlin be two 'rival interpretations of the same political idea' of liberty (Berlin 1969: 171-172). A libertarian would argue that having unfettered freedoms are more important; that the State should have a minimal control over an individual's liberties. Others contest this negative idea of liberties and argue that a real pursuit of liberties should enable the citizens to have a greater self-realization and guaranteeing such a greater meaning to the exercise of their liberties justifies State intervention. When these ideas are translated for the purpose of this article, libertarians will naturally resort to a system where none have an obligation to vote, citizens being completely free from all forms of constraining democratic obligations, on the one hand, and on the other, the State is justified in imposing a moral or legal duty on the citizens to cast their vote through its coercive paternalism. I shall in this paper attempt to escape this dualism by suggesting a middle path of liberal-paternal nudges<sup>2</sup> where the subjects while being

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<sup>2</sup> Liberal paternalism is different from coercive paternalism in the sense that in the former there is still an option of choice available to the subjects. Compliance is sought not through coercive moral or legal force but through behavioural nudges.

behaviorally nudged, are completely free to choose or not to follow them. Here, it is more of a question of receptive conformity than coercive obedience.

In this article I am exploring how such behavioral strategies can be translated into political strategies during democratic elections in liberal states including voter turnout, candidate support, persuasion etc. The most important of them being voter mobilization and persuasion which can often determine who will rule the State. Getting people to make that trip to the polling booth is often the greatest challenge faced by any political party. For the purpose of this article, depending on voter behavior, citizens are classified into three categories<sup>3</sup>. First, ‘political affiliates’ who have clear interest in politics and expressly and profoundly support a political party for diverse and strong reasons. Second, the ‘politically aware’ who have strong and clear knowledge and interests in politics however with no permanent political affiliation. The third type of citizen is either ‘a-political’, having no interest in political process or ‘pseudo-political’, having an intention to participate in the political process, expresses and announces interests in doing so but turns out to be otherwise - who may publicly announce their intention to vote but may not turn up for voting . We have a substantial number of the second and third categories (Kolisetty 2013: 14-19) who can often determine who wins the elections especially when there are narrow shifting margins in relatively smaller constituencies (Nordhaus 2006: 313-322).

The proposed strategy is intended to facilitate the second and third category of citizens to take part in the democratic elections through behavioral science methods. Behavioral science is incredibly powerful in increasing voter participation, through new ways to reach and influence voters using scientific methods. Data analytics often use psychology and behavioral science to develop effective strategies. We often employ a lot of traditional strategies to persuade people to vote. The most common among these are telling people that it’s their ‘civic duty’ to vote or improvising on the ‘proximity’ tactic while soliciting votes. These are not enough to get people to vote. People in general do not like to be persistently reminded of their duties. Voting is a process where there is a big gap between our intentions and actions – i.e. our intention to vote may be irrelevant to what we end up doing.

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<sup>3</sup> This classification is made only for the purpose of clarifying the focus of the current article.

### **Ways of Channeling Conformity**

One way to address this is to ‘Prompt a Plan’. People are more likely to perform an action if they have already planned it or visualized themselves doing it (Thaler 2009). So rather than asking people if they would vote or telling people that it’s their civic duty to vote, ask them a few different questions. For example, in addition to reminding them of the importance of casting their vote, asking someone what time they would be voting or what they would be doing before they go to vote or what their means of travel to the location would be or what colour clothing would they be wearing when they go to vote or who all do they expect to meet at the voting centre etc. would allow them to visualize a plan. This is an effective alternative to reminding people of their civic duties, which they don’t appreciate in the first place.

Herd Mentality, also called the ‘mob effect’, (Lemieux 2003-04: 16-21), (Simmons and Kreuter 1989: 46-49), (Reicher 2001) is one of the most important explanations of social behavior. As the term suggests, it refers behaving like a sheep following a herd while making a decision. When they go behind the herd, people sometimes ignore the evidence of their own senses (Thaler 2009). According to Cass Sunstein and Richard Thaler this occurs primarily due to two reasons (Thaler 2009). First, what others do and how others do becomes information for us. Being cognitive misers we tend to accept such information as true. The second involves peer pressure and a desire not to face the disapproval of the group. Group norms easily establish conformities of individual judgments. Think of yourselves in a room where the group norm accepts a particular proposition, you as an individual are then nudged undeniably into seeing the situation as all others do.

Solomon Asch, a psychologist, once made a finding. Among five choices (i.e. economic recession, educational facilities, subversive activities, mental health, and crime and corruption) he asked people, which one they feel is the most important problem that America faces? (Asch 1956: 17-26) Around 48 percent of people decided it is ‘subversive activities’ on group consensus. Conformity can produce such strong nudges which can generate behavior which is otherwise impossible.

In Texas when they understood that reminding people of their civic duty not to litter on the highways was not working, especially with young people, they decided to nudge the people through “a tough-talking slogan that would also address the unique spirit of Texas pride” (Nowlan and Johnson 2014: 146). Dallas Cowboys were asked to participate in TV advertisements in which they collected litter, smashed beer cans in

their bare hands, and growled, “Don’t mess with Texas!” (Nowlan and Johnson 2014: 146) Soon afterwards they made the slogan big by involving many singers and important public figures to use it openly and loudly. They even used the Texas flag and the United States flag with the slogan giving it a patriotic color. Reportedly, in 6 years, this increased compliance levels by more than 70 percent. Nudge is a feature that attracts our attention and alters our behaviour, which can be creatively used to encourage people to vote. Instead of reminding people of their civic duty to vote, educating them of the benefits of participating in the democratic process are all important but ineffective without an accompanying nudge. An added nudge as simple as a poster like “Everyone’s voting” or “This constituency has a consistent higher voting percentage” next to the national flag or the use of a social network page where people are encouraged to participate in a survey of planned questions can certainly make a difference. (Rogers and Gerber 2009: 178-191)

The second significant method is that of ‘peer pressure’. Our motivation to do something is higher if we know that other people are doing it because we think that everyone has their eyes fixed on us, we conform to what we think people expect (Sunstein 2002: 16). For example people may be highly influenced by consumption norms within a group. Among a group of heavy eaters, a light eater may eat more. A heavy eater, likewise in a group of light eaters tends to eat less. This conformity factor is due to a hypothetical group influence arising from peer pressure. Group average plays a significant role here. Hence creation of groups and social circles to include everyone to discuss their intention to vote could positively increase conformity. Being a part of a social group which has a greater percentage of people having announced their intention to vote would become the hypothetical group influence factor and hence greatly increases conformity within the group. Additionally, asking people, a day or two before the elections, if they really intent to vote is known to increase their probability of voting. This is because such nudges can act as small influences that could facilitate certain behaviour (Ly et al. 2013: 7-8). Further, as argued before in this article, the question about their intention can be accentuated by asking about their plan to execute their intentions.

Conformity factors arising out of peer pressure can arise in increasingly interesting and simple ways. One of the best illustrations was made by Sunstein and Thaler. (Thaler 2009) In their joint work on nudges they cite the example of a hotel message board. The intention of the hotel was to make the customers reuse the towels provided so that wastage and, to a certain extent, environmental damage can be reduced. The first

message that the hotel used was ‘please reuse this towel and help save the environment’. However this did not increase conformity even negligibly. When they tried a second message ‘the majority of guests reuse their towels’ it made a dramatic difference of 29 percent conformity. To experiment further, they tried a third message ‘the majority of people in this room reused their towels’ which increased conformity to a surprising 41 percent.

What worked out here was conformity due to peer pressure. People conceived themselves as belonging to an imaginary community of hotel towel users and conformed to the imaginary community’s hypothetical norm. Conformity here was possible even in the absence of real observable performance of the peer group or through real exchange of information. This proves that behavioural conformity can be achieved in voting patterns through seemingly simpler nudges such as messages on voter’s door steps or on the media about the high turnout e.g. “Everyone’s Voting” or “so you are the kind of person who votes?” This would motivate/persuade more effectively than a message reminding them on “missing out on a chance to make a difference” or “violation of the duty to vote”. This kind of peer pressure can be very effective on the social media (e.g. an online social network poll on ‘I am voting’ where people can see who has selected what option) can mobilize target groups (mostly young voters) who are otherwise difficult to reach. Peer pressure goes to the next level when the voting records of the public are advertised. Let people know who voted and who didn’t and there would certainly be a greater conformity.

Getting people to the polling station is only one half of the point. The other half is to make sure they vote for a desired candidate, which is not a primary concern for this article. However, a short look into how behavioural strategy plays a big part here will not be irrelevant. We usually do not rationally evaluate all our decisions. We act on unconscious preferences and biases. Consider our bias to a political party. We are ‘cognitive misers’. We look forward to non-conscious short cuts to make decisions and to evaluate the huge amount of information that confronts us every day. We should see how behavioural approaches can leverage this. The foremost is about the ‘power of first impressions’ (Moshe 2006: 269-278) (Eileen 1995: 59-65) which plays a major role in our decision making every day. We as cognitive misers decide if a person is competent or trustworthy in less than a second. Now this is far too fast for any considered analysis of the information.

The second way of channelling behaviour is through ‘scare tactics’. Research into something called the ‘endowment effect’ (Kahneman et al. 1991), (Thaler 1980) also known as ‘status quo bias’ (Zeckhauser and Samuelson 1988) has shown that when confronted with decisions we are generally more concerned with what we might lose rather than what we could gain. Playing on endowment effect helped many election victories in the 1990’s in the U.S. (Kahneman et al. 1991) i.e. a focus on what voters could lose when the other party wins. We can also use cognitive insights of which many are unaware. This is evident from one of the strategies used by the former United Democratic Front (UDF) led government in Kerala, India. The government as a policy measure decided a couple of years back to strategize a gradual and progressive liquor ban in the State.

The ban evidently was a huge welcome in many households affected by alcohol abuse; not primarily due to any proved empirical evidence of its positive impacts but due to its appealing logical consistency. One of the strange advertisements on television by the UDF as a part of its election campaign highlighted the concerns of a homemaker who fears losing the (empirically unknown but logically deductible) benefits of the alcohol ban by the incumbent government if the other party comes to power.

The third technique is a scientific persuasion method called ‘priming’ (Thaler 2009) by which someone’s behaviour or ideas about something can be guided though exposing them to certain unconscious cues which remind the mind of certain information. It is like a hint to remembering with ease where the cue or nudge employ the acts as the facilitating factor. These slight hints can be surprisingly powerful and can trigger a connection which stimulates action. These primes when translated into social situations, especially when used to trigger voting conformity, can be surprisingly powerful. Political campaigns, often helped by the media and the social network, use priming to shape the way voters judge parties and candidates. Here the nudges being unconscious are often hidden and can be verbal or visual. In the US, presenting people with an American flag and then asking them their voting intent significantly influenced their voting behaviour towards the republican candidate (Carter 2011: 1011 - 1018). The unconscious and hidden cues can be used to nudge and mobilize people, especially those, who haven’t organically made plans to vote for any party.

### **Just Another Way of Abusing Citizen’s Liberties?**

A truly democratic system of governance should essentially give greatest prominence to the full exercise of citizen’s liberties. But does that also include an unfettered freedom

to make choices that may lead them to being less worthy than others? Along with all the material resources allocated by the State to its citizens, ‘liberty’ to convert them into beings and doings that they have reason to value should be seen as a catalyzing ingredient. A full exercise of one’s true freedom at times need information and assistance, as unfettered freedoms may lead the subjects nowhere beyond their adaptive preferences. Should we see nudges of the kind discussed above as facilitators of such real freedoms or as inhibitors? Does freedom in democracy mean a freedom as well to stay away from the democratic process? The answer depends on whether one agrees that in a truly democratic system, one has a right to be wrong.

Here, I argue that a liberal-paternal State is justified. The essence of democracy is a high level of reflectiveness of citizen’s opinions, reason-giving to each other, accountability in its actions and a full and effective participation of the subjects; and the truth about democracy is that no one is forced to do so. However, if letting one partake in the truth requires her to be reminded of waking up from that beautiful morning sleep, even though she would least desire it, as long as the nudge is not a coercive one, is justified. As long as one is free not to choose to participate, as long as the reminder buzz has a turn off button at one’s disposal, the behavioural nudge is a facilitator of one’s essential democratic liberties than an inhibitor.

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