

**The New Maternal State: the Gendered Politics of Governing through
Behaviour Change**

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Abstract

Policies explicitly aimed at changing people's behaviour and recasting state-citizen relations are becoming prevalent in the UK. New political rationalities of 'co-production', 'personalisation' and 'soft' or 'libertarian paternalism' seek to cultivate a relationship between the adaptive state and the active citizen which is increasingly pedagogical. Informing these new pedagogies of governing is research from behavioural economics, psychology and the neurosciences, from which policy strategists draw insights aimed at improving the effectiveness of behaviour-changing interventions across a range of policy spheres. This paper develops perspectives from feminist economics, critical psychology and feminist political theory in order to demonstrate how such research offers a gendered account of human behaviour and thus is used to assert a conversely gender-blind explanation of the legitimate role of the state in governing through behaviour change.

Key words: behaviour; libertarian paternalism; governance; neuroscience, feminism

Introduction

Is the state becoming too much like your nanny? Does it act like your dad or more like your uncle? Does it tell you what to do, protect you from harm, or nurture you just like a mother? Which familial figure should the state aspire to be in relation to the cultivation of citizens and the appropriate extent of government regulation? And what are the political implications of these gendered metaphors for describing state practices? Governments have long been concerned with governing through changing behaviour, but the notion of 'soft paternalism' or 'libertarian paternalism'ⁱ denotes one strand of thinking gaining increasing currency as a possible answer to the legitimate role of the state within contemporary liberal democracies. The idea of libertarian paternalism has been forwarded by US legal scholar, Cass Sunstein, and behavioural economist, Richard Thaler (Sunstein and Thaler, 2003; Thaler and Sunstein, 2008), and has achieved cross-party political notoriety within the UK. Popular with the US Obama administration, the New Labour Government, and David Cameron's Conservatives in the UK, soft paternalism is characterised as a mode of governing which aims to *shape the contexts in which people make decisions, whilst increasing the range of choices available to them in the determination of their own lives*. It is therefore defined as both increasing choice *and* ensuring welfare; as "a relatively weak, soft, and nonintrusive type of paternalism because choices are not blocked, fenced off, or significantly burdened". (Thaler and Sunstein, 2008: 5). It is not the disciplinary tough-talk of 'new paternalism' (Mead, 1997), nor the kindly welfarism of the post-war era, but a distinctive settlement between state and citizen focused on new cultural practices of governing explicitly through behaviour change.

Whilst it had been posited as future grounds for a prospective Conservative Government in the UK, changing behaviour became an explicit and influential means of governing under New Labour. Indeed, Thaler and Sunstein have themselves defined libertarian paternalism as ‘the real Third Way’ (2008: 252), appealing to both Democrats and Republicans, and by extension, to a political position which in the UK partners a Third Way agenda of marketised choice with a sense of government-led, moralised personal responsibility. This agenda arguably signifies a general groundswell of political thinking which has been present within the Government since at least 2004. For instance, the Cabinet Office discussion paper, *Personal Responsibility and Changing Behaviour: the state of knowledge and its implications for public policy* (Halpern *et al.*, 2004) aimed to consider how psychological and economic theories could be used to improve the efficiency of public policy and change the relationship between state and citizen to one of ‘personalisation’ and ‘co-production’ (ibid.: 3) in which citizens are given more responsibility for the delivery of public services (cf. Leadbeater, 2004; for an unpacking of this concept, see Needham, 2007). Explicitly identifying the libertarian paternalism of Cass Sunstein and Richard Thaler (2003) as a new regime for framing personal choice in the interests of the public (cited in Halpern *et al.*, 2004: 9), mechanisms for the “more subtle ways in which government might affect personal behaviour” (ibid.: 4) are outlined. These include: changing social norms by influencing the ‘ecology’ of decision-making; entrenching habits; harnessing people’s tendency to stick to their commitments; changing lifestyles and values; and cultivating willingness and motivation. Employment, health, crime and education are identified as policy sectors for which such an approach would be especially appropriate. Initiatives such as the New Deal, exercise-promotion, anti-smoking, patient compacts, presumed consent

for organ donation, acceptable behaviour contracts, tenants agreements, home-school agreements and parenting programmes are some of the vast range of initiatives which it is said could be made more effective through a behaviour change approach.

Whilst libertarian paternalism and behaviour change policies seem to enjoy cross-party support, it is certainly worth picking out some key differences. For shadow Chancellor of the Exchequer, George Osborne, writing with Richard Thaler (Osborne and Thaler, 2010), the lessons to be learnt from behavioural theories – both within economics and social psychology, are understood in individualised terms. For instance, they point out the mistakes in what they term New Labour’s assumptions: “that individual behaviour is always entirely rational and that market prices always reflect intrinsic values”. Meanwhile, although the first Cabinet Office report on behaviour change did focus on personal responsibility, subsequent policy strategy documents have indicated a move towards recognising the social drivers of behaviour, the need for widespread ‘culture change’ (Knott *et al.*, 2008), and an emphasis on the constraints and contextual factors which determine the decision-making capacities of particular groups. Of course there is a risk here that such a recognition will only lead to the ‘segmenting’ and targeting of particular social groups deemed in need of more interventionist forms of behaviour change, and policy motivations and outcomes will require ongoing scrutiny. However, the policy literature on behaviour change under New Labour can be seen to have evolved towards much more contextually-sensitive interventions in the spaces in which people make choices and act. The most recent behaviour change publication to

come out of The Institute for Government along with the Cabinet Office, *MindSpace*, therefore seeks to challenge some of the prior assumptions that have been made about personal responsibility and to shift attention onto “altering the contexts within which people act” (Dolan *et al.*, 2010:14).

Justification for this shift towards behaviour change and co-production takes the shape of a vast range of psychological and behavioural theories, including Pavlov (1927) and Skinner’s (1953) early work on stimulus-response and conditioning, Cialdini’s (2007 [1984]) work on influence, Tversky and Kahneman’s (1974) account of heuristics, or ‘rules of thumb’, Prochaska and DiClemente’s (1983) theories of the different stages of behaviour change, Bandura’s (1986) focus on self-efficacy, behavioural contracting and goals, and work on community and interpersonal behaviours from social theorists including Bourdieu (2000), Coleman (1988) and Putnam (1995) (cited in Halpern *et al.*, 2004: 18-29). Writers from these fields are referenced time and time again in policy and discussion papers, at events, seminars and in highly influential reports from think tanks such as the IPPR (Lewis, 2007), Demos (O’Leary, 2008), New Economics Foundation (Dawney and Shah, 2005) and the Royal Society for the Arts, Manufacturing and Commerce (RSA) (Taylor, no date). Texts from behavioural economics, psychology, marketing and business, and to a lesser extent, social theory, appear therefore to make up the shared culture for policy-makers and so-called ‘opinion formers’. A relatively new field of ‘neuroeconomics’ is also rapidly becoming established, making potentially revolutionary claims about the use of neurosciences for the measurement and

prediction of economic decision-making in “actual flesh-and-blood human beings” (Camerer *et al.*, 2005: 10; *The Economist*, 2008).

Tactics and strategies are outlined which are variously aimed at governing the irrational brain, governing through people’s inevitable irrationality, changing behaviour through affective interventions, and cultivating the rational and reflexive aspects of the mind. Such initiatives are aimed at changing citizens’ behaviours by designing the spatial environments in which we make decisions, devising our temporal dispositions, influencing the inner workings of our brains or accentuating our social tendencies. A range of different means are employed: the cultivation of reflexive action, for instance, targeting emotional registers such as in the use of ‘warm words’ in environmentally sustainable communications (Ereaut and Segnit, 2006; Futerra, 2007); changing social norms via social marketing techniques, for example, the ‘Change for Life’ⁱⁱ or ‘5-a-day’ⁱⁱⁱ campaigns; arranging spaces in order to help people resist temptations, for instance, to buy tobacco products (DH, 2004); and setting default positions in order to by-pass the irrational nature of the human brain, for example, through automatic enrolment in default pension plans (DWP, 2006), which I will go on to explore in greater detail.

The central claim of this paper is that these justifications for soft or libertarian paternalist forms of governing are based on insights from sometimes highly gendered accounts of human behaviour, derived from behavioural economics, popular psychology and neuroscience. In light of the overt demolition of ‘rational

economic man' pursued by these approaches, and a turn towards intimate and affective forms of citizenship in the social sciences more generally (Clough and Halley, 2007), it is perhaps surprising that feminist insights from economics, critical psychology, political theory and philosophy are notably absent. The paper sets out to redress this omission by considering the contribution of feminist perspectives to understanding the political and ethical implications of promoting 'behaviour change' governing practices in the UK. Specifically, I problematise the certainty with which policy strategists from divergent political positions appeal to the scientific kudos associated with behavioural theories in legitimising behaviour change interventions.

The argument proceeds as follows: in the next section, I outline the relationship between academic theories derived mostly from US scholars and the equally nuanced intellectual culture of the UK policy-making community. The analysis offered here draws out some of the gendered assumptions made within these literatures and highlights crucial missteps made in their constructions of the citizen-subject positions to be governed. Particular texts are examined on the basis of the influence, prominence and salience of their authors within the policy-making community in the UK. I then move on to provide a range of examples of behaviour change programmes and interventions, examining in particular detail how policy-makers and government departments in the (apparently 'unsexy' and non-gendered) field of pensions policy draw on specific bodies of evidence to construct a decontextualised, non-ideal citizen driven by emotional forces and biological motivations.^{iv} The paper then develops three key insights from feminist theory which offer a distinctive critique of the political (and supposedly a-political) claims of those

promoting behaviour change policies. Firstly, I examine how feminist philosophers and psychologists have challenged dualistic thinking with respect to emotion and reason, and the mind and body. Secondly, feminists have drawn attention to the importance of embodied differences and unequal gendered experiences in the process of subject-formation. This approach cautions against the individualising tendencies of the behaviour change agenda, instead examining how gendered subject positions are constituted through social structures, power relations and behaviours themselves. Whilst behaviour change policies appeal to affect and emotion (a turn often welcomed by feminists), recent debates within human geography remind us that there is a danger that a turn to 'affect' may obscure the importance of long-running contextual factors in shaping conduct^y. Finally, I turn to feminist state theory in order to elaborate on the gendered nature of the state and state practices, returning to the important political distinctions which are to be made between those states which present themselves as metaphorically paternal and those which are derided as 'mothering' or 'nannying'.

Summer Reading for the UK Policy-Making Community

How do these apparently gendered accounts of human behaviour gain political currency? This section outlines how specific texts have become popularised, and starts to unpack the ways in which such texts construct the ideal citizen-subject to be governed through behaviour-change initiatives. The following section then goes on to examine the adoption and influence of these specific accounts of behaviour and

subjectivity in public policy and practice. Thaler and Sunstein's aforementioned account of libertarian paternalism, *Nudge* (2008) was put on the Conservative Party's summer reading list in 2008, indicating a potential avenue for future Tory thinking on the appropriate relationship between state and citizen (Times Online, 2 August 2008^{vi}). This was followed up by speeches and articles written jointly by Richard Thaler and George Osborne (Osborne and Thaler, 2010). Much is made on the nudge website^{vii} of its popularity in the bookshop on Parliamentary Square, London. Meanwhile, Sunstein and Thaler's (2003) work earns them specific mention in Cabinet Office reports intended to shape future policy strategy and implementation (cited in Halpern *et al.*, 2004: 40). Following from this, a wide range of behavioural theories and models are explored in great depth in the Government Social Research's *GSR Behaviour Change Review* (Darnton, 2008), and the Central Office of Information's (COI) publication, *Communications and Behaviour Change* (2009). Indeed, the most recent Cabinet Office publication (Dolan *et al.*, 2010:13) on this theme outlines the sometimes indirect nature of the relationship between behavioural theorists and policy-makers, noting in particular the salience of 'recent best-sellers' in influencing policy:

"Skimming the titles of recent best-sellers on the topic gives a rapid sense of what this century of research, and particularly that of the last 30 years, has concluded. The Nobel Prize winner Daniel Kahneman's ideas around *Heuristics and Biases – the psychology of intuitive judgement* – has been especially influential, though few policymakers have read his work in the original. We are *Predictably Irrational* – prone to reliable misjudgements."

This admission that policy-makers are not necessarily familiar with original research from the behavioural sciences does not diminish the certainty with which claims are made that ‘we are *Predictably Irrational*’ (ibid.), referring here to another best-selling title by Dan Ariely (2008), posited as evidence for the replacement of rational economic man by a more emotionally-driven, systematically flawed, neurobiologically-challenged subject in need of correction. This approach contends that action “is led by our very human, sociable, emotional and sometimes fallible brain” (Dolan *et al.*, ibid.).

The next section will outline in further detail how specific evidence from behavioural theorists has informed the development of policy initiatives in the area of personal finance. But the broader claim here is that there exists a suite of popular psychology, popular business and popular neuroscience texts which are highly influential in the intellectual culture of policy makers – a culture formerly dominated by mainstream economics and political science. It is certainly worth asking whether these texts are read directly by policy makers, informing policy decisions and specific initiatives. And it must be noted that the Cabinet Office documents cited here are explicitly *not* statements of government policy. But whether or not all the books and reports I refer to here are directly read by politicians, policy-makers and policy-practitioners misses their wider significance in a political culture dominated by the ‘opinion-forming’ rationale of influential think tanks, cross-departmental knowledge management, and non-governmental organisations with close links to high level policy strategists and senior civil servants (for instance, The Institute for Government).

These best-selling authors aim to show how behavioural economics affects even the most apparently personal aspects of everyday life, or how seemingly unconnected variables are complexly intertwined through the psychological missteps which haunt our decisions – largely through our inability to rationally control our emotions. But in so doing, they present policy solutions which appear to be gender-blind. They suggest policy tools which are aimed at modifying people’s behaviour as opposed to seeking longer term solutions which take account of the material circumstances of differently gendered people, and discursive constructions of particular embodied behaviours as acceptable. People who are not expert in managing their emotions, by implication, need the government to manage their emotions for them – by affective arrangements, support for mental short-cuts, and education and training for the more reflexive aspects of the brain. The broader point, as I will go on to argue in the following sections, is that these behavioural and neurobiological accounts obscure the social and discursive contexts in which particular gendered behaviours are shaped and ‘appropriate’ gendered subject positions are delineated. Instead, their actions are portrayed simply as ‘diseases of the will’ (Valverde, 1998).

In consequence, the appropriate role for government is the cultivation of the willing subject; the shaping of healthy, financially prudent and environmentally sustainable lifestyles. Perhaps most importantly this involves both triggering certain emotional impulses and subordinating ‘inappropriate’ emotional tendencies to the more reasonable mind. The often-cited psychologist and marketing expert, Robert Cialdini (2007: 9) himself warned against the use of “weapons of influence” which trick and

manipulate us into “automatic, mindless compliance” (ibid.: xiv) through the ordering of choices and the exploitation of the psychological drivers of decision-making in an increasingly complex and fast-paced world. However, most of the above authors understand new insights into the systematic irrationality of human behaviour and misinformed decision-making precisely as an opportunity for “improving our decision making and changing the way we live for the better” (Ariely, 2008: xx). By working with human irrationality in the design of spatial environments, by shaping the contexts in which we make choices (through “choice architecture” (Thaler and Sunstein, 2008: 3)), and by exploiting the affordances of new technologies, it is proposed that we may be able to make better decisions which will ultimately do us less harm.

This work therefore raises questions about the extent to which governments can explicitly coerce people into behaving in certain ways through the manipulation of emotional registers of behaviour and by affective means. If indeed such work, as it appears to, rests on the strategic subordination of the emotional brain to the more reasonable and reflexive mind, then it should surely be subjected to scrutiny from feminist perspectives which have long debated and conceptualised the links between brain and mind, emotion and reason, embodied experiences, and the social contexts in which decisions are made. In the first instance, this scrutiny can expose the more flippant claims of such authors relating to their moral judgements of appropriate female behaviour, but it also offers more significant insights into the legitimate role of the state and the mobilization of psy knowledges (N.Rose, 1998: 11) for the purposes of changing citizen’s behaviour, as the paper goes on to show in the

exploration of feminist theories below. But first we must examine how behavioural theories are taken up in some specific public policy initiatives in the UK.

From Behavioural Theory to Public Policy

I have already noted some policy spheres in which soft paternalist policies are evident, particularly in the field of public health communications, where social marketing is now used in order to capitalise on: our tendencies towards 'herd behaviours' (Shiller, 2005; Thaler and Sunstein, 2008: 55); our predilection for following social norms (Gladwell, 2000), as seen in the banning of smoking in public places; and our receptiveness to messages delivered from trusted intermediaries and family members (Cialdini, 2007) (such as the recent anti-smoking adverts which are narrated by the children of smokers). This policy strategy was outlined in the Department of Health's (DH) *Choosing Health* (2004), and since then, social marketing advisors have been employed within government departments and at the National Social Marketing Centre, partly funded by DH. In this case, we are to *choose* healthy lifestyles, but we will be subtly guided in our decision-making by a soft paternalist state. Other examples include the establishment of Child Trust Funds and Savings Gateway schemes, intended to inculcate saving habits (HM Treasury, 2003; Balls, 2007) – reflecting psychological evidence on our inclination to stick to commitments which we have overtly stated (Festinger, 1957, cited in Halpern *et al.*, 2004: 19). Self-exclusion programmes in gambling policy (where self-identified problem gamblers can arrange to be excluded from local gambling outlets^{viii}) aim to

prevent addicted gamblers from giving into temptation ‘in the heat of the moment’ – making a hierarchical distinction between the apparently ‘sophisticated’, reflective brain of normal circumstances, and the heightened, ‘automatic’ brain of the emotionally-driven gambler to be overcome (DCMS, 2001: 3).

Another field in which the work of behavioural economists is especially influential is in pensions policy in the UK. This is not least because Richard Thaler and colleague Shlomo Benartzi have devised their own pensions programme in the US, *Save More Tomorrow* (Benartzi and Thaler, 2004: 164) – designed around lessons learnt about bounded rationality and problems of “self-control”. The Chief Economist for Pensions and Director of Strategic Analysis, Department for Work and Pensions (DWP) (interviewed 29/09/09) outlined for me the links between the strategic development of pensions policy in the UK and the US academic community of behavioural scientists:

“the rise of good behavioural finance is largely spurred by US academics, and that’s certainly where the journal literature was at that time. So we had not only Thaler, but also David Laibson came and talked to the Department [...] from Harvard [...] who’s one of the fundamental authors in the arena [...], Sheena Iyengar and we retained also Shlomo Benartzi from UCLA for a while, and people from the Department and from Personal Accounts Delivery Authority (PADA) have joined in his activities and conferences over the years. So it’s been quite a thorough ongoing engagement in some ways with the US academic community.”

In this case, pensions policies outlined in the Pensions White Paper (DWP, 2006) (and legislated for in the 2008 Pensions Act) include automatic enrolment, which enrolls new employees in a pension scheme by default from which they can 'opt out', and personal accounts, which are targeted at low earners who are represented as feeling less confident in making complex pensions decisions. These initiatives have been shaped by strategists in direct contact with behavioural economists and their ideas. This was a clear break from the former model for pensions policy, which was based on 'informed choice' – providing people with the information necessary to make pensions decisions. The DWP's Chief Economist points out the limitations of this approach:

“...information alone could not change people's behaviour – it could change their sense of what they ought to do, but it didn't change what they actually did. So that for us was pretty fundamental [...] We know people are in the situation of not carrying out the plans they think they ought to carry out – we saw that it just wasn't going to achieve the results we were looking for”

The key problem for pensions policy was therefore a mismatch between cognition and action - as Thaler and Sunstein (2008: 43) put it, many people could benefit from a 'nudge' towards retirement savings because people are making such decisions automatically – through “mindless choosing” – failing to match what they think they *should* be doing with what they actually do. . They argue that pensions policies should therefore be designed around people's existing psychological tendencies,

which are said to obstruct people from making decisions in their own self-interest. The *rational* choice of enrolling and saving enough in a retirement pension needed to overcome the *irrational*, motivational drivers of: aversion to losing money; inertia; “money illusion” (where people fail to account for inflation in their financial planning); and people’s tendencies to only promise self-control at a future point in time (Thaler and Sunstein, 2008: 112, drawing on the work of Kahneman). So for the DWP, a libertarian paternalist approach was appropriate in order to make people more personally responsible for their retirement savings (Chief Economist, DWP, emphasis added):

“So that was the problem we were trying to get around. You ask people whether they thought they’d made the right choice and by a margin they said no – now we know we should be contributing to a pension plan, but it’s never the right day to start [...] It never *feels* right when you’re young, because you’ve got lots of competing priorities, and by the time you’ve got to a certain age you think it’s probably too late”.

In contrast to this approach, research undertaken in the field of economic geography demonstrates insights garnered through an appreciation of the gendered, embodied contexts of decision-making. Strauss (2008: 146) argues that whilst behavioural economists have made huge leaps forward in understanding human behaviour to be subject to bounded rationality, they have not adequately attended to the specific contextual processes through which personal financial decisions are made – namely social identity and household structure, and local and regional pension cultures. In her study, she found that women working in a call centre in Glasgow were less likely

to make prudent pension plans than women working for the same company (at an equivalent salary level) in its headquarters in London. The women in London felt more confident in making decisions, whilst those in Glasgow had more financial outgoings related to caring responsibilities (ibid.: 149). Their feelings and actions towards pensions planning were associated with specific behaviours 'picked up' from working in different institutional contexts and in different regional settings, including the embodied experiences of secretarial work 'in the City' in contrast to call centre work in Glasgow, where managers determined the minutia of women's bodily functions, including how often and how long they were permitted to use the toilet or walk about (ibid.). These findings lead Strauss (ibid.: 151) to warn of the political consequences of a soft paternalist outlook as it seeks to intervene at the individual level of so-called irrational pensions behaviours:

"In a world of individualised risk, responsibility and choice, some individuals are likely to be worse off in old age not because they make less rational decisions than others in similar situations, although this might sometimes be true, but because the context of their retirement planning is very different."

This example suggests that there are competing accounts of behaviour offered by behavioural theorists and feminist approaches. The next section explores in detail the potential contribution of feminist theory to debating the legitimacy of libertarian paternalist policies. I conclude by outlining what is at stake politically in the absence of a feminist outlook on the behaviour change agenda, arguing that a feminist approach exposes its biological assumptions, the certainty of its scientific claims, and its marginalisation of the social determinants of behaviour.

Reading Soft Paternalism through Feminist Theory

The appointment of one of the authors of *Nudge*, Cass Sunstein, as advisor to President Obama secured the significance of soft paternalist modes of governing to contemporary US politics. Sunstein, a legal scholar, is well aware of the important contribution of feminist thought to political theory, having edited a collection of works by feminists in the 1980s (Sunstein, 1982). However, as I have demonstrated in this review of literatures intended to popularise and disseminate new directions in psychology, behavioural economics and neuroscience, lessons from feminist theory have not yet secured a place in the minds of such authors – finding no place in their explanations of choice, behaviour and decision-making.

This omission perhaps explains why there is some confusion as to the precise lessons to be taken from psychology and the neurosciences concerning the brain, decision-making, and irrational behaviour. Thaler and Sunstein (2008: 19) divide the brain into the “automatic system” and the “reflective system”, the former being equated with gut feelings, and the latter presented as the more sophisticated plane of conscious thought (ibid.: 21). Ariely (2008: 243) sees the emotional part of the brain as a driving force which we can nevertheless overcome to make better decisions. Cialdini (2007: xii) sees our automatic side as one which can be easily exploited by “compliance professionals: sales operators, fund-raisers, recruiters, advertisers and others”. Gladwell (2005: 71) claims that people have two distinct

minds, whilst Taleb (2007[2004]: 201-2) claims that we have three *brains*: “The very old ne, the reptilian brain that dictates heartbeat and that we share with all animals; the limbic brain center of emotions that we share with mammals; and the neocortex, or cognitive brain, that distinguishes humans and primates”.

All, however, offer a challenge to the thesis of ‘rational economic man’ and as such, the developing discipline of behavioural economics appears to have been largely welcomed by feminist economists. Appreciating the diversity of human behaviour, espousing the universalising tendencies of rational choice theory, and incorporating intuition, emotion, personal relationships and social cognition into its economic models are all seen as complementary to the feminist project within economics (e.g. Austen and Jefferson, 2008; Carbone and Cahn, 2009; Ferber and Nelson, 2003; Folbre, 2006; Folbre and Nelson, 2000; Nelson, 1995). Behavioural economics is said to embrace a mode of economic thought formerly denigrated as feminine and ‘soft’ (Nelson, 1995: 134) just as it lends itself to soft forms of state paternalism. In drawing insights from psychology, giving credit to intuitive ways of knowing and paying attention to context, behavioural economists such as Daniel Kahneman are celebrated within feminist economics (Austen and Jefferson, 2008).

However, this complimentary relationship is decidedly one-way, and important contributions from feminist theory are clearly missing. Feminist economists are doing a disproportional amount of work in making up this gap. As Ferber and Nelson (2003: 11) note, even Richard Thaler’s (2000) rejection of homo economicus “failed

to discuss the obvious gender connotations”. Indeed it could be argued that the behavioural economics favoured so much by UK policy-makers lacks any engagement whatsoever with feminist-inspired understandings of the relationship between brain and mind, emotion and reason, embodied behaviour and gendered, contextualised decision-making. This is significant because it is in appealing to the sound knowledge of behavioural economics and scientific certainty of psychology and neurosciences that ‘opinion-formers’ in the UK public policy-making community (at least prior to the 2010 general election), former Conservative shadow ministers, and the Cabinet Office under New Labour have all found justification for soft paternalist modes of governing.

Having identified the limitations of behavioural economics as it is presented in a literature intended to extend its influence into the sphere of public-policy making and the popular imagination, we must now turn to the more specific implications of feminist theory to our understanding of governing through behaviour change, and of soft paternalism in particular. These can be summarised as the problematisation of the brain/mind and emotion/reason dualisms; understandings of gendered, embodied behaviours; and feminist challenges to the liberal state. Each aspect sheds new light on the inadequate accounts of human subjectivity provided by the promoters of behavioural modes of governing, which, as I have argued, have become prominent in public policy in the UK.

'Womanbrain, Manmind': the Rapprochement of Reason and Emotion?

One of the principal concerns preoccupying feminist philosophers and psychologists alike is the relationship between reason and emotion, and the privileging of reason in Western thought (Burman, 2008; Gilligan, 1982; Nussbaum, 2001; Prokhovnik, 1999; Walkerdine, 1988). It may appear at first glance that since behavioural economics, advances in neuroscience and lessons from behavioural psychology bring emotion back into the decision-making process, they should therefore be welcomed – offering a long overdue corrective to what Damasio (1994) has termed “Descartes’ Error”. It is these insights which are used in the Cabinet Office’s most recent elaborations on the contribution of behavioural theory to public policy, when it is stated that (Dolan *et al.*, 2010: 25):

“Affect (the act of experiencing emotion) is a powerful force in decision-making. Emotional responses to words, images and events can be rapid and automatic, so that people can experience a behavioural reaction before they realise what they are reacting to.”

However, in eliding affect and emotion in this way, such accounts rely too readily on neurobiological interpretations of emotion as cognition – as a key determinant of the immanent thinking process located within a specific part of the brain (Gladwell, 2005; Thrift, 2006), as opposed to a differentiated, socially contextualised feeling, which, for feminist geographers such as Thien (2005: 453) more accurately accounts the ongoing production of subjectivity and the (intersubjective) “mutual constitution of selves”. But in subsuming emotion into cognition, these popularisers of

neuroscience, behavioural economics and psychology perpetuate the binary subordination of the automatic, emotionally-driven, feminised brain to the ideal of the deliberative, rational, masculinised mind. This can be seen from the examples of default pensions positions, and gambling self-exclusion programmes highlighted above, where measures are taken to overcome 'irrational' emotions. In reducing intuition and emotion to cognitive processes, an alternative account of the long-running enculturation of the mind, the influence of reified gendered stereotypes and the distinctive situations and contexts in which men and women find themselves are obscured. Hence soft paternalist policy initiatives are shaped around the fallible human subject in need of correction – whether explicitly, in the case of social marketing techniques; sub-consciously, as in the provision of 'cooling-off periods' for insurance purchases (where decisions may have been made impulsively) (Dolan *et al.*, 2010: 45); or through by-passing the inevitable irrationality of the brain altogether, as in the example of default pension enrolment. One example from the behavioural economics literature is the concept of 'bounded rationality' promoted by Herbert Simon and later, Daniel Kahneman. This has been criticised by Mumby and Putnam (1992: 468) as based on "a system of binary opposites that privileges the masculine over the feminine" and for "co-opt[ing] emotional experience" (ibid.: 469) into a narrow rationalist frame. In this cognitive explanation of emotion, they argue, feelings and ambiguity are still relegated to the physical and feminine realm of irrational, bodily response (as opposed to non-rational intuition and judgement), and the implication remains that such *corporeal* emotions should be avoided in economic decision-making (ibid.: 471).

As Prokhovnik (1999: 2) has argued in *Rational Woman*, there is still a need to challenge the hierarchical dichotomies of between mind/body; reason/emotion; man/woman. Outlining how emotion has always been implicated in the working of reason within hitherto marginalised strands of western philosophy, she espouses a more expansive conception of rationality which recognises the different corporeal experiences of both men and women – rather than the presentation of women as sexed and men as entirely disembodied (ibid.:12). Emotions, she states, are attempts to understand and rationalise the world, and are not simply intuitive, affective and embodied responses (ibid.: 71). In this way, emotions are thus an integral part of the production of knowledge and mindedness, and should not be elided with the neurophysiological capacity to be ‘affected’.

It should be noted that there is not agreement within the diverse fields of feminist philosophy and psychology. Some indeed argue against feminism’s “antibiologism” – said to ‘reduce’ the human body to superficial cultural and social explanation (Wilson, 1998: 15). The implication of this move, Wilson argues, is to relegate feminist psychology to the narrow interests of sex and gender, specifically women (ibid.: 35). When seen as a rapprochement between, at its most basic, feminism and the scientific method, the use of the neurosciences in particular to explain human behaviour is therefore regarded by some as having the potential to be a more gender-neutral avenue for intervention. It has the potential to bring emotion back in as a valued part of thought and an essential component of ethical reasoning (Nussbaum, 2001: xv). Indeed Nussbaum (ibid: 114) welcomes what she terms the “non-reductionist physiological accounts” of Le Doux and Damasio, in their

identification of the neural location of emotional behaviours in the amygdala and the brain's frontal lobe respectively^{ix}. Their accounts are distinctive in that emotion is not equated with cognition or 'minded' reflection, but with an automated bodily response. However, again this biological explanation leaves intact a false dualism between corporeal emotions, and the disembodied ideal of abstract rationality, arguably making theorists such as Nussbaum complicit in the universalising of a liberal male ideal which feminists have so effectively challenged (Prokhovnik, 1999: 162).

Conversely, others argue that neurophysiological explanations only serve to further justify the regulation of women – its theories and methods being disproportionately targeted towards women regarded as inadequately feminine (Burman, 2008: 151). Burman extends this critique to attachment theory (said to determine the emotional relationship between parent and child, and emotional behaviours later in life), which is used to discern the affective competence of mothers – and teenage mothers in particular. Dominant psychological accounts take little account of the political, economic and socio-cultural contexts in which women are made responsible for bringing up children (or castigated for attempting to do so before they are married), and is used to justify public policy initiatives at the level of personal relationships and psychological behaviours as opposed to (more expensive) material and cultural interventions. Here we see the moral judgements associated with appropriate female behaviour becoming obscured by a narrowly 'scientised', biological account of the decision-making process.

Whilst it is important to recognise the inherent role of emotion in thought, reasoning and decision-making, as Prokhovnik (1999: 102) demonstrates, both reason and emotion are socially-constructed, and cannot be reduced to biological foundations. This recognition avoids hierarchical thinking which attributes emotions to neural processes, regarding them as a biological driving force (and thus non-contextual), whilst retaining for reason the status of a sophisticated form of disembodied knowing. Instead, there is a need to reinstate emotions as integral to the “multiple logics” of behaviour and decision-making in that it “encompasses continuous thoughts and feelings with no separation between rationality and emotion, and no binary of rational and irrational.” (Ettlinger, 2004: 31). Where policies are aimed at reconfiguring the micro-contexts in which people make decisions, training the reflexive mind, managing emotional responses and by-passing the irrational, temptation-driven brain, the reproduction of a hierarchical dichotomy between reason and emotion must be further challenged.

Feminist discussions concerning the relationship between reason and emotion are indeed vibrant, and in addition to heterogeneous feminist positions on the biological sciences, the body and gendered behaviour, the implications for the law, public policy and relations of power are hotly debated within this field. It is therefore unfortunate that policy-makers in the UK and the US (where most of the above debates have been conducted) fail to engage with feminist theory in their search for academic justification for soft paternalist policies. As the next two sections argue, this oversight leads to a gender-blindness with regards to both accounts of behaviour and to the legitimate role of the ‘liberal’ state – paving the way for governmental

interventions in the minute individual details of the decision-making process, as opposed to tackling the wider unequal contexts in which decisions are made.

Embodied Behaviour

Whilst the previous section set out to challenge the reduction of emotion to a neurobiological process, this section calls for a greater appreciation of the social and cultural constituents of embodied behaviour. Recognising that human behaviour is both embodied and gendered are hardly novel insights, but it could be argued that the implications of understanding behaviour in this way have not been fully realised by those promoting soft paternalist policies in the UK. In relying heavily on neuroscientific accounts of the human mind and decision-making processes, the discursive and historical context of embodied consciousness as an integral part of subjectivity and intersubjectivity has been ignored (H.Rose, 2004: 59). To remedy this, we must turn, as Rose suggests, to an understanding of the conscious as “changeable, embodied, recognisably composed of feeling, cognition and intentionality” (ibid.: 61) – incorporating Marx’s notion of false consciousness, and its meaning in relation to the Black consciousness movement, feminist consciousness-raising and environmental consciousness. Subjectivity is therefore socially learnt in specific times and spaces. Moreover, to talk of *embodied* subjectivity reflects the notion that knowing, decision-making and behaviour in this sense are associated with specific bodies, their historical-material circumstances and the political dynamics of social movements – rather than with an individualising project which

seeks to locate 'free will', homosexuality and emotion in specific regions of the cerebral cortex (ibid.: 68). These contextual factors in turn constitute the subject positions we take up, and cannot be fully understood within the narrow frame of a neuroscientific approach to the brain. Whilst Rose (ibid.: 70) praises a new wave of scientists (Daniel Goleman, Joseph LeDoux, Antonio Damasio, Walter Freeman) for their engagement with emotion and feeling, she too is shocked by their exclusion of feminist theorising – arguing that doing so obscures the social and environmental aspects of rationality; of responding to and responsibility towards others in our embodied engagements with the world. Discounting embodied subjectivity and our intersubjective encounters with others (as they are negotiated through discourse) from our understandings of behaviour, therefore demonstrates a failure to acknowledge the diverse gendered aspects of consciousness and decision-making – and is likely to lead to soft paternalist policies which are at best ineffective, and at worst, serve to perpetuate gender inequalities, seeking to 'correct', govern or work through the irrational behaviours associated with the feminised emotional brain.

However, these observations do not mean that behavioural economics needs to be supplemented with an account of the distinctive nature of women's decision-making as determined by their biology. Rather, it is the basic assumptions on which soft paternalist policies are based which must be problematised. Decision-making cannot be understood without consideration of long-running cultural processes as they are mediated through gendered bodies. Far from being simply the result of intuitive, affective modes of action arising within the brain prior to action (which assumes a

clean-slate notion of subjectivity), human behaviour is shaped by deeply ingrained social norms, expectations and aspirations pertaining to the specific historical and discursive experiences of both men and women alike. For some feminist scholars (e.g. Wilson, 2004: 94), the neuroscientific lessons of authors such as Damasio and Le Doux are taken as evidence of the infinite possibility of affective, embodied human behaviour, said to operate outside of ideologies and belief systems (and thus are allied with a progressive, emancipatory feminism). However, for others, such theories are still equated with a biological essentialism (conveying automatic, genetic behaviours), which feminists have for so long sought to challenge (see Papoulias and Callard, forthcoming 2010: 36). Concerns about the political implications of an 'affective' account of behaviour have been the subject of much recent debate in human geography (e.g. Thien, 2005; McCormack, 2006; Barnett, 2008; Pile, 2010), as well as in political theory (Marcus, 2002; Neuman *et al.*, 2007; Krause, 2008). For Pile (2010: 7), the false division between feminist accounts of *emotion* as expressed and representable, and 'non-representational theorists' accounts of *affect* as located below cognition, consciousness and reflectivity, risks partitioning the mind-body into discrete sections – giving little sense of how the psyche or subjectivity are formed. Furthermore, Barnett (2008: 186) has questioned whether understanding the “spatial politics of affect” can actually help us to discern normative political judgements about what kind of government interventions are legitimate or otherwise.

Others too have pointed out the way in which Damasio's theories need to be understood as highlighting the enculturated aspects of corporeality; the impact of socially learnt behaviours on the biophysical processes in the brain, rather than visa

versa (Cromby, 2007: 811). The status of embodied behaviour 'after neuroscience' and its implications for a feminist politics are still a matter of significant debate, and the certainty envisaged in both the Cabinet Office paper and in UK policy-makers' summer reading now appears misplaced. Equally, there must still be a place for understandings of embodied experience as shaped by material and discursive contexts, and by subjective and intersubjective relations – such as to explain the constraints under which decisions are made and the cultures in which people's decisions are governed. Understanding the gendered, embodied experience of citizenship has been an integral contribution of feminist challenges to the liberal state, and it is to such challenges that we now turn – extending them to an analysis of soft or libertarian paternalist modes of governing.

Soft Paternalism, or the Maternal State?

I have so far discussed inadequacies in the specific accounts of human subjectivity promoted in political agendas of behaviour-change, in relation to both the corporealised status of emotion, and conversely, the omission of the social and cultural aspects of embodied subjectivity. But what novel insights are offered by feminist conceptualisations of the constitution of the 'citizen-subject'; forms of personhood which refer specifically to relations between the state and the citizen, and to subject-positions which connote political claims-making based specifically on citizenship? "Feminism has no theory of the state". So claimed MacKinnon in 1989 (p157). But whilst the task of developing a feminist theory of the state has been

overtly rejected by some (Allen, 1990: 35) as an overly abstract and universalising manoeuvre of little merit, others have attached great importance to “finding the man in the state” (Brown, 1995). Certainly the promotion of soft *paternalism* lends itself to a gendered reading of the role of the liberal state. Such an undertaking has been pursued by Sawyer (1996), who has highlighted the gendered nature of neoliberal threats to the welfare state. She demonstrates how the welfare state is portrayed as maternal and nurturing but ultimately, negatively, as the ‘nanny state’. This characterisation signifies a threat to the masculine norm of independence and self-reliance favoured by neoliberals such as von Hayek and in the right-wing press (ibid.: 123). Such hostility is associated with the neoliberal position which promotes the proper role of the state as a night-watchman, policeman or referee – arbitrating only on the most basic rules necessary to facilitate competition between ‘real men’ (ibid.: 132). Women (in particular single mothers) are seen as illegitimate beneficiaries of the welfare state, where tax-paying men are made to pay for “other men’s children” (ibid.: 131). The state is thus criticised as infantilising citizens, creating a culture of dependency, giving succour to men who are failing to be manly (ibid.: 130).

This reading of the feminised welfare state is indicative of the contribution of feminist political theory to understanding *de facto* inequalities within liberal democracies – a well established concern which has highlighted the gendered assumption at the heart of liberalism (Lister, 1991; MacKinnon, 1989; Pateman, 1986; Phillips, 1991; Prokhovnik, 1998). The separation of the public and private realm – held to be the source of women’s oppression – is integral to classical liberal theory, based as it is on a universal, disembodied subject who is active in public deliberation but protected

from interference of the state at home (Prokhovnik, 1998: 87). Given the early feminism of John Stuart Mill, a figure so highly regarded by promoters of libertarian paternalism, it is extraordinary that so little time is given to considering the question of gender. Mill argued that liberty should be extended to women hitherto excluded from self-determination and well-being. This required the state's involvement to legislate against inequalities derived from the "accident of sex" (Moller-Okin, 1979: 210). In his consideration of the 'nature' of women, he too recognised the formative impact of women's subjugation in society as opposed to any innate inferiority (ibid.: 217), and challenged scientific assertions relating to brain size and behaviour (ibid.: 222). And he highlighted the cultural specificity of the moral values of independence and self-sufficiency of mind and body to be encouraged in men, and positively outlawed amongst women (ibid.: 219). Although arguably a limited form of feminism, so many of Mill's insights regarding the equation of biology with behaviour, the impact of cultural context and the exclusionary nature of the liberal state have thus far been ignored by libertarian paternalists.

Just as the liberal assumptions of libertarian paternalism can be thrown into question by a feminist perspective, so too can its paternalism – though there is little consensus about the specific implications of a paternal state. Some argue that the state's paternalism (as a form of masculine protection) serves to make women vulnerable, and that "women have particular cause for greeting [the politics of protection] with caution" (Brown, 1995: 189). Institutionalised protection, Brown argues, confers "a measure of dependence and agreement to abide by the protector's rules" (ibid.) which serve to regulate and degrade women, particularly in

the realm of sexual protection such as anti-pornography laws and the criminalisation of prostitution. She states that one cannot be protected by the state whose powers one must also fear. MacKinnon (1989: 165), too, argues that special legal protections for women in the realm of work have served to demean women by creating a second-class workforce who cannot compete with men offered fewer state protections. However, she also criticises a gender-neutral approach which denies that women are already socially marginalised before the law comes into play. In no uncertain terms, she writes (*ibid.*: 170):

“State power, embodied in law, exists throughout society as male power at the same time as the power of men over women throughout society is organized as the power of the state.”

But one does not necessarily have to wholeheartedly reject the masculine state as Brown and MacKinnon’s work suggests. To do so exhibits a binary form of thinking which reifies the gendered ‘nature’ of the state – albeit for some feminists, it is maternal and for others it is decidedly patriarchal. Rather than attempting to locate (gendered) power in the abstract figure of the state, a more productive avenue may be to consider the discursive manner in which male and female interests and subjectivities are constituted (but not determined) by state practices (see Watson, 1990: 7). In addition, this conceptualisation allows us to consider other axes of difference as they are produced, reinforced and indeed problematised by the state. Whilst feminists have theorised the state, interrogated the patriarchy of its legal institutions and subjected democratic deliberation to a ‘politics of difference’ (Young, 1989; Yuval-Davis, 1997), there is a need to supplement this work with a feminist

analysis of cultural modes of *governing* as distinct from questions specific to the ‘law’ and democratic politics more generally. If libertarian paternalism signifies a new set of state practices based on governing the universal irrational subject, what kind of gendered subjects do we see empirically emerging? What spheres of public and private life are targeted? What gendered assumptions are made in attempts to change people’s behaviour? What cultural norms are evoked but remain unacknowledged in the neurosciences, psychology and behavioural economics to which libertarian paternalist policies appeal for their justification? How are men and women (and different social, ethnic groups and embodied subjects) made differently governable by such policies? How do they critically reflect on these interventions in their governability? Furthermore, how can we provide an adequate critique of libertarian paternalism without falling back on hostile, gendered metaphors of the nanny state?

Conclusion

Thinking through the lens of the maternal state opens up different questions about soft-paternalist cultures of governing. First it subjects to critical scrutiny the biological claims used to inform soft paternalist policies and attempts to govern the irrational citizen through affective, bodily means. The turn to the body more generally in social theory need not be accompanied by a return to a biological determinism which pays inadequate attention to the social, cultural and political contexts in which people make decisions – reviving gendered assumptions which have long been disputed. Rational economic man has been replaced by a universal irrational subject who must be made governable through the cultivation of particular emotional responses, but

the ideal subject envisaged by soft paternalism remains one who can govern *his* own temptations through a reflexive victory over his limbic system.

Secondly, feminist perspectives challenge the certainty by which scholars and policy-makers alike draw out the policy and political implications of research in fields such as neurosciences, psychology and behavioural economics. In particular, after the so-called 'decade of the brain', policy-makers and government strategists need to be aware of the abundance of incompatible political claims made in the name of neurosciences (Barnett, 2008; Blank, 1999; Connolly, 2002; Krause, 2008; McDermott, 2004; Papoulias and Callard (forthcoming), 2010; H.Rose, 2004; Thrift, 2008). More attention also needs to be paid to conflicting or inconsistent evidence coming from within fields such as behavioural economics, psychology and neuroscience, and policy strategists would do well to engage with the emerging field of neuroethics (Illes, 2006), critical neuroscience (Choudhury *et al.*, 2010), and critical sociological accounts of so-called 'neuroliberalism' (Isin, 2004; Maasen and Sutter, 2007; N.Rose, 2003)^x. Particular academic disciplines should not be elevated to a status which appears to be beyond ordinary (unscientific) critique. A more measured set of conclusions from neuroscientists is offered by political theorist, Sharon Krause (2008: 54-5), who argues that far from being immanent, 'gut feelings' are shaped by long-running social values, by learnt attachments and by ingrained habits which inform our emotional judgements. This analysis throws into question initiatives which are aimed at changing people's behaviour through affective means.

Thirdly, feminist perspectives on soft paternalism bring the social back into our analyses of the changing nature of governing practices. Attending to embodied difference requires understanding not simply the internal dynamics of the brain, but the experiences of being differently gendered, classed, 'able', raced, etc. as social processes of differentiation. There is a need to develop further research on the implications of new modes of governing for our understanding of embodied subjectivity – and the debt to feminist theory in this area should not go unacknowledged (see Blackman *et al.*, 2008). The political implications of research in behavioural economics, psychology and neuroscience are far from straightforward, and their use in the justification of behaviour change policies is itself a political manoeuvre. Findings from these fields could equally be exploited to argue for the re-focussing government attention away from changing individual behaviour within the micro-contexts in which people make immanent decisions, and towards changing the wider contexts in which behaviours are learnt over a much longer time-scale. A culture of governing based on mechanisms of soft paternalism therefore risks producing subjects with a narrow concern for self-reliance and self-improvement. It also cultivates a sense of the state as a behaviour-shaper rather than an arbiter of competing democratic claims. The gendered assumptions of soft paternalism and the stark lack of engagement with feminist thought in this area demonstrate that there remains much work to be done towards unpacking the democratic implications of governing through behaviour change.

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ⁱ I use the terms 'soft' and 'libertarian' interchangeably

ⁱⁱ <http://www.nhs.uk/Change4Life/> accessed 16/07/09

ⁱⁱⁱ <http://www.5aday.nhs.uk/> accessed 16/07/09

^{iv} This section draws on policy reviews and primary interview data collected as part of a broader research project with colleagues Rhys Jones and Mark Whitehead, on "The Time-spaces of soft paternalism in the UK: state, citizenship, governmentality", funded by the Leverhulme Trust.

^v There are also clear parallels to be drawn between libertarian paternalism and Foucault's notions of biopower, governmentality and governing through freedom (see Jones *et al.*, forthcoming). Whilst these analytical approaches are beyond the scope of this paper, there are extensive debates around the compatibility or otherwise of Foucault's work with feminist critiques, which provide insights into social-scientific engagements with the body and the constitution of gendered subjectivities (e.g. McNay, 1992; Ramazanoğlu, 1993; Grosz, 1995).

^{vi} <http://www.timesonline.co.uk/tol/news/politics/article4450282.ece> accessed 24/06/09

^{vii} <http://nudges.wordpress.com/tag/united-kingdom/> The nudge book is photographed by author of *Freakanomics*, Stephen Dubner.

^{viii} <http://www.countmeout.org.uk/> accessed 16/07/09. See also DCMS, 2002

^{ix} Conversely, Wilson (2004: 92) regards LeDoux as "unmistakably reductionist" but regards him as a fruitful ally for a biologically-sensitive feminist theory

^x See also the European Neuroscience and Society Network
<http://www.neurosocieties.eu/members/socialStudiesOfNeuroscienceDirectory.htm>