
Banal Behavior: A Study of Non-Choice

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Abstract

Both the classical and behavioral models of decision-making fall short of sufficiently explaining irrational individual decisions and paradoxical social phenomena. The theory of non-choice offers a more satisfying account of individual decision-making. A review of the deficiencies in the classical and behavioral models demonstrates the need for a new conception of choice. Drawing upon the philosophies of Hannah Arendt and Immanuel Kant, among others, choice is defined as the alignment of thought, will, and action. Stemming from this new model of choice is the theory of non-choice, defined as either the misalignment of the tri-partite decision process or a decision made without thought.

The new conceptions of choice and non-choice salvage human rationality and freedom in individuals' decisions, even when the decision outcomes are against individuals' self-interest. Redefining social norms as the collection of individual non-choices more thoroughly explains widespread, illogical social behavior. Cases of behavioral phenomena with negative externalities, including practices of female genital mutilation/cutting and foot-binding, are examined alongside those with positive externalities, including the voting paradox and organ donation. The concept of non-choice included in these case studies signals that individuals' counter-preferential behavior is not necessarily caused by irrational decisions, nor motivated by evil or altruistic preferences; rather, it is banal behavior. The banality of evil and the banality of goodness on a large-scale have implications for assigning responsibility to individual action and for motivating pro-social decisions. Most significantly, the concept of non-choice offers normative guidance for the individual decision maker to salvage her rationality and freedom of choice amid the presence of coercive social norms.

Introduction

A non-choice led Judge Guido Calabresi's father to become an active anti-Fascist revolutionary. His behavior was not a deliberate, conscious, and active choice, but an unintentional, unconscious, and passive non-choice. While attending a "perfectly horrible speech" by the Fascist Minister of Education in 1924 Italy, Calabresi's father failed to applaud during an interruption of the speech. He didn't hiss or boo. He didn't refrain from applauding because he was particularly political. Rather, he didn't applaud because "there was nothing to applaud." It was simply a bad speech. From this simple abstention from action, the crowd marked his father as an anti-

Fascist (Calabresi, "Graduation Remarks"). Was his father conscious that his action appeared to be a staunch political statement? Was his father simply irrational in his decision not to applaud? Or was he simply not thinking about his actions' consequences?

Calabresi's remarks touch upon an often over-looked subject: the concept of non-choice. Standard theories for understanding individual decision-making and large-scale social behavior, including classical economics and behavioral economics, attribute motives or preferences to individual decisions. The decision theories assume that individual actions are prompted by an active, conscious preference. When individuals act against their narrow self-interest, classical economists explain it as a "mistake" that will be corrected by the invisible hand of the market, while behavioral economists explain it as either "irrational" behavior or motivated by a social preference. Neither explanation satisfactorily explains large-scale phenomena that are caused by intentional decisions, but nonetheless act against an individual's self-interest or preference, such as the prevalence of female genital mutilation/cutting or voting. Non-choice provides a more satisfactory answer.

Non-choice is characterized not by acting according to self-defined preferences or motivations, as in the classical and behavioral models, but by actions taken without preparatory thought or taken counter-preferentially. Calabresi asked his dad why he chose to become an active anti-Fascist, seeking to understand his motivation behind his politics. His father replied that he did not choose to be an active anti-Fascist, as his behavior was not motivated by political sentiments. His inaction snowballed into a political career, something that was unpredictable to his father even in retrospect. Hannah Arendt was one of the first to note that evil consequences can stem from a lack of thought in a decision—a non-choice (Arendt, Eichmann in Jerusalem). Less attention has been spent on the possible positive consequences from non-choices. Calabresi's father says, "Everybody talks about the banality of evil; nobody talks about the banality of good" ("Graduation Remarks"). He was not motivated by altruism, but nonetheless behaved in a good manner.

Non-choices are prevalent, everyday occurrences, but seldom do they produce the dramatic consequences of Calabresi's father's non-choice. In fact, non-choices are often mundane: they occur when I set out luminarias in front of my home on Christmas Eve in New Mexico; they occur when I automatically include a 20% tip on a restaurant bill; and they even occur when I choose not to give a panhandler a dollar on the streets of Philadelphia. These mundane decisions are not necessarily unpredictable in their consequences: my non-choice of setting out luminarias perpetuates the tradition each holiday season; my non-choice to tip 20% compensates for the

below-minimum-wage income of the server; and my non-choice to ignore the panhandler can leave him destitute, or can inspire another to give him even more money, transforming his life.

Paradoxical, large-scale social phenomena with both positive and negative externalities may be explained by amassing individual non-choices. While singular non-choices may have tremendous consequences for the individual and society at large, aggregating many parallel non-choices may have even more significant effects. When presented with unpredictable and unexplainable social phenomena, the classical and behavioral economists' traditional tools of individual motives and preferences fall short. Social norms, reconceived as the aggregation of individual non-choices across a population, may provide a more adequate method to explain paradoxical social phenomena than classical or behavioral economists. Social norms with negative externalities, such as female genital mutilation and foot-binding, or those with positive externalities, such as voting and default organ donation registries, are not necessarily caused by evil or altruistic motivations. Nor are those decisions necessarily in accordance with an individual's preferences. Rather, those phenomena are perpetuated through a simple lack of thought or a counter-preferential action. Conforming to the norm is not a genuine free choice, but conditional upon the expectations of others' behavior. Individuals acting according to conditional preferences are no longer autonomous, active choosers, but conditioned, banal non-choosers. Non-choosers do not act. They behave.

With these wide-ranging implications for both the individual and for society, it is a wonder that non-choice hasn't been given more critical attention. The lack of focus on non-choice may be caused by the general wonder and infatuation with choice. At the center of democratic functioning, and arguably at the core of humanity, is the concept of choice. Indeed, members of democracy live in the "land of the free," where each is free to pursue his or her dreams. Choice is revered in art—Hamlet must choose "to be or not to be," upheld in the founding documents of democracies—the inalienable right to liberty is inscribed in the U.S. Declaration of Independence, and pondered upon in philosophy—Kant's conception of freedom and Aristotle's notion of reason are essential to humanity. Isaiah Berlin says in the *Essays on Liberty*, "Those who have ever valued liberty for its own sake believed that to be free to choose, and not to be chosen for, is an inalienable ingredient in what makes human beings human" (Ben-Porath 15). Choice continues to be metaphysically deconstructed by philosophers, leveraged by policymakers, and manipulated by business marketers. At the core of these discussions is the fear of limitations on choice—the state's limitation on citizens' freedom, the society's limitation on citizens' choice

options, and the individual's own limitations on his/her rationality. The discussions focus on an active decision model, in which individuals may be constrained, but nonetheless actively choose their own life trajectory.

The purpose of this project is to expand upon the behavioral model of decision-making by offering another explanatory variable to paradoxical social phenomena: non-choice. Non-choice not only presents a better descriptive account of unexplainable social phenomena, but also a normative view of choice, offering philosophers and policymakers an opportunity to salvage individual freedom and rationality in the new choice model. Ultimately, just as classical economists are mistaken to assume perfect rationality of individual decision-makers, behavioral economists are equally mistaken to label individuals as "irrational" in their decisions. Humans are not irrational if their freedom resides in their abilities to think. Individuals acting in society are no longer fools for making counter-preferential decisions, but are simply engaging in non-choices.

Conceptions of Individual Choice

Individual decision theories and economic theories rest their findings on the assumption of choice—equating decisions in the marketplace to choices. Reviewing the classical and behavioral accounts of individual choice offers the platform to critique this assumption, and supports the claim that decisions are not synonymous with choices. Both theories conceive of choice as comprised of freedom and rationality, while each focuses on the constitutive elements in differing degrees. As Sigal Ben-Porath says in *Tough Choices*, "The mainstream scholarly and political view on choice sees [choice] as a derivative of conditions of freedom and as based on the capabilities of individuals to autonomously express and execute their preferences" (6). In short, when afforded both the liberty and rationality to act, individuals can autonomously choose.

While founded upon the same constitutive elements, the classical and behavioral economic models place differing emphasis on the limits to choice: the classical model focuses on lifting the state restrictions to act in the marketplace, while the behavioral model focuses on creating more opportunities for free choice in the marketplace. The models may differ in their focus on limits to free choice, but both rest on the assumption that every decision is, in fact, a choice. The models attempt to derive theories, based on either normative principles or empirical evidence, to explain and predict individual decision-making. While their approaches differ, their aim is the same: to accurately explain behavioral phenomena. Outlining their different approaches opens the floodgates for critiquing the adequacy of the explanatory power of each model and reveals the opportunity for the theory

of non-choice to explain paradoxical choices, at both the micro and macro levels.

The Classical Model

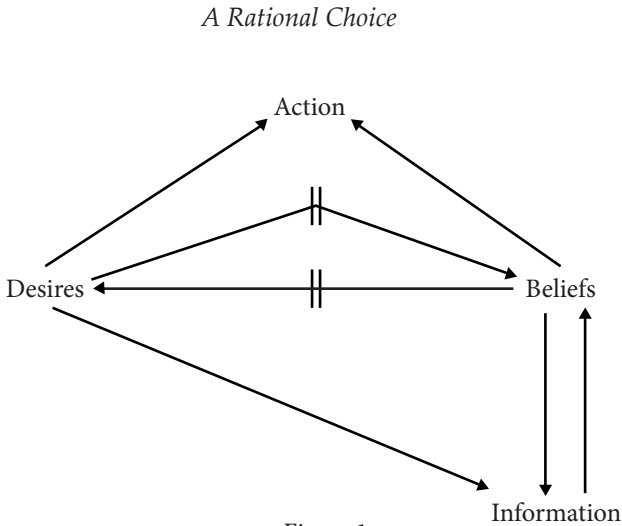
At the center of the classical model of economics is the theory of rational choice. This emphasis arises from a long philosophical tradition that sees rationality as the necessary pre-requisite to autonomous choice. Hamlet, both the most and least rational Shakespearean character, remarks on the utter magnificence of human reason. He extols to Rosencrantz:

What a piece of work is a man, how noble in reason, how infinite in faculties, in form and moving how express and admirable, in action how like an angel, in apprehension how like a god! the beauty of the world, the paragon of animals—and yet, to me, what is this quintessence of dust? Man delights not me—nor woman neither, though by your smiling you seem to say so. (The Tragedy of Hamlet, Prince of Denmark, Act II, Scene 2, 303-312)

Dan Ariely notes that this quotation reflects the predominant view of human nature, shared by economists, policymakers, and “everyday Joes,” that humans are inherently rational creatures (xviii). Hamlet’s praise of human reason is echoed throughout time. Plato’s Socrates proclaims, “Reason is the only thing which once it is born in man, remains with him throughout his life as the protector of virtue” (The Republic, Book 8, 549b). Aristotle characterizes human nature as based in the capacity to reason: “For man, therefore, the life according to reason is best and pleasantest, since reason more than anything else is man” (Vol. 19). For Immanuel Kant, reason was the decisive cognitive process for self-legislation, or humans acting according to their own self-governed goals. His notion of the categorical imperative, in fact, is based upon the notion that actions are only justified by principles determined by reason: “Act only according to that maxim whereby you can, at the same time, will that it should become a universal law” (Kant 30). The state also emphasizes rationality in choice, and uses diminished rationality to limit a citizen’s action. For instance, if a citizen is deemed limited in her rational capacity, it is justified to prevent her from acting or to have a surrogate decision-maker choose on her behalf. Such is the case when the democratic state precludes citizens under a certain age—typically 18—from voting, justified by their insufficiently developed intellect to make an informed political decision.

Rational choice theory stems from this philosophical tradition of rationality as the central facet of individual decision-making. Jon Elster describes rational choice theory as both normative—telling people how to

choose, and prescriptive—telling them how to act in order to best achieve their aims. Its explanatory account of human behavior is of secondary importance (Elster 21). The following model is the basic structure of the rational choice theory (Elster 22):



For an action to be a rational choice, it must satisfy three conditions. First, it must be the best means of satisfying the desires of the individual, given his beliefs. Importantly, those beliefs must also be rational (Elster 22). If I desire to satisfy my hunger and I believe the best course to achieve that end is to drink water, I am hardly undertaking a rational decision. Thus, a second condition is that my belief must be rational; for instance, eating a turkey sandwich is a rational belief to satisfy my desire. The only requirement for a rational belief is that it must be grounded in available information. The decision’s foundation in “the optimal amount of information” is the third condition in rational choice theory (Elster 23). Information seeking does not require the belief to be true objectively; it merely requires that the belief is subjectively true. If I seek information on how best to satisfy my hunger and, after gathering the information, I am still convinced that water is the best means to satisfy that end, then I am undertaking a rational decision (although objectively false). Because of the subjectivity of rationality, “belief formation is vulnerable to distorting influences of various kinds” (Elster 23). This vulnerability is important for an economic model that must account for

rational mistakes in the marketplace.

A related model of choice that also rests upon the assumption of perfect rationality is the generalized axiom of revealed preferences, or GARP (Ariely xix). Vilfredo Pareto offered this “revealed preference” theory to circumvent the limitation of economists in determining individual motivations. Rather than economists asking each actor in the marketplace his or her preferences, this model infers the preferences from the actions (Bruni and Guala 21-49). Pareto assumed that the subjective fact of a person’s preferences conformed to the objective facet of the given choice.

The assumption of rationality in decision-making is the basis of Adam Smith’s *Wealth of Nations* (Ariely xix-xx). His economic theory, viewed as the foundation of capitalism, rests on the assumption that, in the marketplace, the individual uses a cost-benefit analysis of each alternative to make a decision according to his or her own self-interest. Smith argues that when each individual acts according to his or her own self-interest, the economic “pie” expands. When individuals make “mistakes” in their decisions, acting against their narrow self-interest, market forces and the “invisible hand” correct them by channeling competition toward an equilibrium. These positive externalities of an expanding economy and corrective market forces are not based upon individual generosity or altruism, but on a rational narrow self-interest. Smith says, “It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity, but to their self-love, and never talk to them of our own necessities, but of their advantages” (Book 1, Chapter 2, *Wealth of Nations*). Individuals are held to a high standard—perfection—for their rationality in the classical model.

In addition to addressing the rational component of choice, the classical model emphasizes freedom as essential to choice. Classical economists emphasize negative freedom, purporting that the ultimate role of the democratic state is to preserve citizens’ capacity for liberty. In other words, “the state should not limit choices; it should not intervene in the personal process of preference development and expression” (Ben-Porath, 4). On the economic level, economic libertarians hold free choice as the ultimate value for market economies. Greenfield writes: “Markets depend on choice—if we all are free to choose, the market allocates resources to those who desire them. If choice is limited, the story goes, then people are less able to satisfy their preferences and thus worse off” (122). Therefore, if an actor is entirely rational, but is constrained by other agents, then she is unable to freely choose.

Criticisms of the Classical Model

The classical model of individual and collective decision-making has a number of flaws. First, the classical model focuses on lifting barriers to market interaction, to the neglect of other limiting forces. Greenfield notes the problems of focusing on the market:

Depending on markets means that if you have few resources, you have little choice. Also, markets limit choice by making manipulation of our choice profitable. Markets also put price tags on things we don't want to commodify—left to their own devices, markets sweep up all kinds of things we'd otherwise choose to protect from markets, like babies or kidneys (3).

Focusing on the market neglects the limits imposed by both the brain and society.

The brain is a tremendous limit to rationality. Many actions occur through automation and habit, without a rigorous cost-benefit analysis. By assuming rationality, the classical model neglects the brain's own limitations on rational decision-making. The brain is composed of many structures, some that analyze and think (the prefrontal cortex), some that create and store memories (the hippocampus), and some that control automated actions (the basal ganglia) (Greenfield 49). While this complex structure allows for humans to multi-task, it is limited. Greenfield writes:

The problem is that the analytic parts of our brains are easily over-taxed, and you cannot dependably ask them to do more than one thing at a time... One problem is with how our brain works is that if the prefrontal cortex is tired or overtaxed or distracted, our basal ganglia take over (51).

As Charles Duhigg notes in *The Power of Habit*, "Most of the choices we make each day may feel like the products of well-considered decision-making, but they're not. They're habits" (xvi). He notes that one Duke University study (2006) finds that more than 40% of actions people perform daily weren't actual decisions, but habits (Duhigg xvi). The "autopilot" feature of the basal ganglia accounts for mistakes in decision-making not recognized by rational choice theory or the classical model (Greenfield 51). The model neglects genuine mistakes, such as the "forgotten baby" cases in which mothers forget their children in a car seat and the child dies from heat. Researchers have directly linked these cases to the autopilot feature of the brain (Greenfield 51). The classical model is thereby deficient by not recognizing actions that are taken "in the zone" or on "auto-drive." It incorrectly recognizes such

actions as genuine choices and has not reformulated itself to account for the recent insights into the biological limitations to rational choice. The model wants to attribute a choice to mothers in this instance, while society (and juries) recognize the action was not a choice, but a mistake, worthy of acquittal (Greenfield 52).

Not only are choices in the market place limited by psychology, but they are also sometimes coerced and involuntary (not choices at all, in other words). For example, radio host Neal Boortz said that victims of Hurricane Katrina ought to bear the costs of the devastation. He said that generous donors were ignoring that victims placed themselves in the devastating position through their poor decision-making. Boortz said that “poverty is a behavioral disorder” and “what we saw in New Orleans was poor people demonstrating the very behavior that made them poor in the first place” (Greenfield 15). Labeling poverty and the devastation of a hurricane as the results of individuals’ choices overlooks many limiting factors, including lack of financial resources, modes of transportation, or forewarning to leave the city. Greenfield notes, “Most Americans seemed to recognize, in a simple but profound way, that the victims of the flood had had few real alternatives and should not be blamed for the ‘choices’ they made” (16). Polls found that only 22% blamed residents, while the majority blamed the government for the disaster (Greenfield 16). The classical model, by elevating all actions to genuine choices, neglects fake choices, or those that lack viable alternatives.

Moreover, it has been well documented that individuals do not follow a path of narrow self-interest, as Smith claims. Numerous empirical studies on choice negate the assumption of narrow self-interest, as many individuals make counter-preferential choices, reducing his/her own welfare for the sake of fairness or other-regarding preferences (Ben-Porath 31-32). Finally, because the classical model places too high of a burden for a person’s rational decision process and does not account for social preferences, it fails to give an adequate descriptive account of individual choice. Behavioral economists developed in direct response to these deficiencies in the classical model. Reviewing the behavioral response will offer a more thorough criticism of the classical model of choice.

The Behavioral Model

Behavioral economics offers an alternative, descriptive model, to explain individual decision-making. While Smith’s model of capitalism has been critiqued from almost every angle—most notably Karl Marx’s criticism in the Communist Manifesto—behavioral economists’ concerns pertain to the assumption of perfect rationality. In fact, the field developed to critique the assumption that economic agents act according to narrow self-interest

based upon a rigorous cost-benefit analysis. Amos Tversky and Daniel Kahneman laid the foundations for behavioral economics, which studies the psychological limits on an individual's rational decision-making. As Dan Ariely proposes in *Predictably Irrational*, humans have the capacity to reason, but often fall short of perfect reasoning skills. Empirical evidence, both in laboratory experiments and in market data analysis, dismembers the rationality assumption of the classical model.

Behavioral economics un-pillars the assumptions of will power, self-interest, and rationality in the classical model and suggests that each are bounded or limited by human's own psychology. Jolls et al. state that the task of behavioral economics is "to explore the implications of actual (not hypothesized) human behavior" (Jolls et al. 1548-1549). Behavioral economists ask: "How do 'real people' differ from homo economicus?" and offer the notions of bounded rationality, bounded willpower, and bounded self-interest as answers. First, individuals have bounded willpower, evidenced in their hyperbolic discounting of events in the future compared to the present (Laibson 1997). Second, individuals have bounded self-interest, as they show concerns for fairness and punishment (Camerer & Thaler 1995). Third, and most important to the task at hand, individuals have bounded rationality. Empirical evidence of this limit to human reason include: the self-serving bias (Babcock & Loewenstein 1997); the availability heuristic (Tversky & Kahneman, 1982); the hindsight bias (Fischhoff 1975); the omission bias (Ritov & Baron 1990); over-optimism (Weinstein 1980); and the inability to predict experienced utility (Kahneman, 1996). Individuals' bounded rationality is further evidenced by their loss aversion, meaning losses hurt more than equivalent gains feel good (Kahneman & Tversky 1979). A related limit is the "endowment effect," the discrepancy between an individual's willingness to pay for an item and their willingness to accept the same item based on their ownership of the item (Kahneman, Knetsch, and Thaler 1990).

At the center of this empirical evidence is the individual's reliance on heuristics in judgment. For example, individuals experience "mental contamination" in decision-making. Kahneman and Tversky's "wheel of fortune" study asked people to first spin a wheel with numbers 1 to 100 on it and then to give an estimate of the number of nations in Africa. While the wheel's number and the number of nations in Africa are clearly independent of each other, individuals were anchored to the wheel's number—they gave low answers when the wheel's number was low and high answers when the number displayed was high (Greenfield 63). Framing effects also bias individual decision-making. For instance, in a 1982 study, a group of cancer patients was presented with two surgical options: a surgery with a 90%

survival rate and another surgery with a 10% mortality rate. Despite the identical, probabilistic outcomes, the framework induced the patients to favor the 90% survival rate over the 10% mortality rate (Ben-Porath 30-31). Each of these phenomena offer the empirical evidence behavioral economists use to criticize the normative account of classical economists. Because psychological barriers leave individuals short of perfect rationality, behavioral economists claim that individuals systematically (and predictably) behave “irrationally” in their choices. Rather than merely describing individuals’ “irrational” decision capacity, scholars have suggested that states, businesses, or power holders can leverage the bounded decision capacity for their own interests. These scholars suggest leveraging the insights of behavioral economics at the individual level to promote good externalities on a macro-level.

In addition to criticizing the rationality assumption of the classical model, behavioral economics focuses on the freedom of choice in society. While the classical model emphasized negative freedom, or lifting the barriers for free choice, the behavioral model emphasizes positive freedom, or the opportunity to act according to a person’s preferred choice (Ben-Porath 6-7). Even with negative protections of choice, behavioral economists say choices may not be genuinely free. Cass Sunstein and Signal Ben-Porath explain that an individual’s freedom of choice is not only limited by her own psychology, but also by the choice options available in society. The “choice landscape” or “architecture of choice” of society or the state does not prohibit an individual taking a certain action, but nonetheless limits human freedom by “nudging” an individual toward a particular course of action. In this way, a choice architecture that “nudges” an individual toward a particular decision is “liberal paternal.” Sunstein says, “A nudge...is any aspect of the choice architecture that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives.” Nudges are paternal because they encourage a particular choice, and simultaneously liberal because they are not mandates for action (Sunstein 6). Just as the welfare state created new roles to enhance positive freedom, the liberal paternal state is a new arena for state intervention since it is a “choice architect” for citizens. Sunstein explains, “Choice architects can make major improvements to the lives of others by designing user-friendly environments” (11).

Importantly, liberal paternalism presumes that whatever efforts the state takes to offer a neutral space to act, or to provide negative freedom, fail because the state’s “neutrality” is compromised by the choice landscape it creates. Sunstein says that it is impossible to construct a “neutral design” and that the state cannot avoid being choice architects since it naturally creates the choice menu for its citizenry (Sunstein 3). He writes:

The libertarian aspect of our strategies lies in the straightforward insistence that, in general, people should be free to do what they like—and to opt out of undesirable arrangements if they want to do so... The paternalistic aspect lies in the claim that it is legitimate for choice architects to try to influence people's behavior in order to make their lives longer, healthier, and better... In our understanding, a policy is 'paternalistic' if it tries to influence choices in a way that will make choosers better off, as judged by themselves [the choosers]" [Emphasis in Original] (Sunstein 5).

For instance, by forbidding same-sex marriage, the state creates a barrier for personal relationships. In this way, any state action that deregulates or regulates personal-social institutions can have "significant consequences in shaping the landscape of options individuals face in this realm, thus shaping their identity, their preferences, and their actions" (Ben-Porath 4). From this perspective, states cannot avoid being paternalistic. They suggest that the state must harness its propensity for paternalism by not prohibiting choices, but by "nudging" individuals toward certain outcomes, thereby preserving an illusory "liberty." For example, tax credits for children offer incentives for citizens to bear children. Technically, the individual has the free choice to rear a child, but the state's policy might influence one's choice to have children or not. In this way, liberal paternal policies shape the choice landscape for individuals.

Criticisms of the Behavioral Model

In many ways, behavioral economics compensates for the deficiencies of the classical model by offering a descriptive account of human behavior. The classical model of self-interest has been disproven by hundreds of experiments around the world showing (Henrich, Boyd, Bowles, Camerer, Fehr, Gintis, McElreath, Alvard, Barr, Ensminger, Henrich, Hill, Gil-White, Gurven, Marlowe, Patton, and Tracer 2005). The field of behavioral economics can help economists better predict market behavior, can help the state create policies that compensate for citizens' bounded decision capacity, and can help individuals plan for their own decision shortcomings. Despite its improvements upon the classical model, behavioral economics has five fundamental flaws.

First, it uses a methodological individualistic approach to explain decision-making. By focusing on individuals' use of heuristics—including the self-serving bias and availability bias—it discounts how behavior in the collective can influence a person's decision to act in a certain manner. Rather than attributing concerns for fairness in Dictator Games to social

expectations, it attempts to incorporate these social preferences into an individual utility model. This approach reduces all social phenomena to individuals' irrational decisions, and explains all behavioral regularities through facts of personal motives, beliefs, and capabilities. This approach neglects the interaction of these individual facts with larger social norms, and their influence on motives, beliefs, and capabilities. As the account of social norms will illustrate, people rarely make decisions in a vacuum; their decisions are conditioned upon others' observable choices and inferred preferences. Recognizing the social context of decision-making is essential for a proper descriptive account of choice.

A second criticism of the behavioral economics conception of choice is that it takes agency away from the individual, labeling her behavior as hopelessly "irrational" without any normative guidance to help her reclaim her rationality. To be sure, the field does offer its own normative advice: Sunstein suggests using the insights of behavioral economics to "nudge" individuals to make good decisions for themselves (6); Ben-Porath suggests using the findings to create a better educational system and choice landscape for citizens (16); and Ariely proposes individuals utilize the findings by correcting their behavior after learning about their frequent "irrational" mistakes (xxii). Yet, each piece of normative advice concerns avoiding irrational mistakes rather than positively making rational choices. In fact, Ben-Porath warns against assuming that all adults have developed the cognitive tools to enable them to go through a productive process of choice (147). By describing human behavior as irrational, and presupposing that individual decision-making is permanently deficient, individuals lose agency over their rationality. While the field certainly expands the notion of human rationality beyond narrow self-interest to include other-regarding preferences (for example, preferences for fairness and punishment), it does not offer guidance to salvage human rationality. Without a normative account of choice to reclaim rational choice, rather than to simply avoid irrational decisions, behavioral economists degrade humans to slaves of their deficient cognitions.

A third deficiency of behavioral economics concerns liberal paternalism's opportunity for free choice. If the state is never able to offer genuine freedom, because every choice it presents its citizens either limits the choice landscape or nudges an individual toward a certain option, any negative prohibition or positive opportunity for liberty becomes irrelevant for free choice. In the behavioral view, even if the state offers negative prohibitions of freedom infringement by guaranteeing certain rights and curtailing its own power, individuals still lack freedom of choice because of the inherent choice architecture of society. The logical consequence of

choice architecture is to throw protections of state intervention to the wind, since they will always be inadequate safeguards for freedom. This result runs counter to democratic principles that rely on the notion of free choice. Thus, without any space for freedom, states can justify mounting intrusion into citizens' life choices—a sinister prospect.

The fourth deficiency of liberal paternalism in particular is its singular focus on state limitations of choice, to the exclusion of other limiting agents. Focusing solely on the state's limits on choice misses another critical actor that limits individual liberty: society. Society inherently influences agents' judgments of their choices. For instance, Ben-Porath cites Charles Dickens' *Oliver Twist* and Jane Austen's *Mr. Darcy* as examples of characters whose life choices were largely determined by external social circumstances. Their life trajectories fit into an "allotted future," with little room for maneuvering within their pre-chartered destiny. According to Ben-Porath, "Parental knowledge and social conventions were considered to be better directives than one's own judgment." In contrast, "the contemporary democratic, Western sociopolitical structure and ethos...favors choice over destiny. Freedom, exercised through the choice of a life plan, is the tool for overcoming the social vision of inherent inequality or structural stratification, such as the one evident from comparing *Oliver Twist* with *Mr. Darcy*" (Ben-Porath 2-3). While Ben-Porath may be correct in judging contemporary contexts as less rigid in class structure, allowing for some social mobility, her view that the current social structure provides space for "a lifetime of choices" underestimates the societal limitations on individual freedom (144). While *Oliver Twist* in contemporary society may have encountered greater freedom to escape his impoverished destiny as an orphan, and *Mr. Darcy* would have been free to marry women of all economic statuses and races, there are nonetheless tremendous limitations to individual choice in contemporary society. These limitations are not necessarily enforced by legal sanctions or by the state's "liberal paternal" policies, but, rather, by society's own choice architecture. While choice may appear to be less restricted in the twenty-first century compared to the early nineteenth century, declaring it absolutely free from societal influences is fallacious. As this study shall prove, society has tremendous influence on individual choice, especially through social norms. Including society as a limiting agent of choice supports the idea that, "clearly, choice is bounded by the context in which it occurs and is limited by the forms of rationality that the choosing individuals can utilize" (Ben-Porath 126).

Finally, and most importantly, the view of behavioral economists does not adequately explain large-scale, paradoxical social behavior. Behavioral economists' explanations for counter-preferential or other-

regarding decisions assume that individuals made choices. For instance, individuals who made poor decisions for their retirement investments were “naïve” investors (Sunstein 120). This accusation of naïveté, alongside the accusation of irrationality, rests on the assumption of an active choice model. The theory uses psychological heuristics to prove the deficiency of human rationality, but nonetheless attributes the decision to the individual’s own decision capacity. An individual may have been naïve or irrational in her decision, but it was nonetheless her choice.

The behavioral account neglects a third mode of decision-making, which ought to be considered alongside the classical rigorous conception and the deficient behavioral conception, to explain paradoxical decisions. Both the classical and behavioral accounts miss the possibility that actions are taken not due to an inherent flaw in the system or in the mind, but due to laziness or the desire for conformity. Non-choices are not caused by deficient rationalities, nor are they “mistakes” to be corrected by an invisible hand in the marketplace. Rather, non-choices are characterized by a lack of thought or a counter-preferential selection among the choice options. A proper descriptive model of collective decision-making must account for those individuals who do not think, but nonetheless still behave and survive in society. It must also consider those people who behave against their own preferences. Accounting for these two types of decisions builds upon the behavioral model by offering a better explanation for paradoxical social phenomena.

A New Conception of Choice

A new conception of choice must avoid the pitfalls of both the classical model, by not assuming the constancy of human rationality, and the shortcomings of the behavioral model, by not labeling the individual as deficient in her capacity to choose. The new construction of choice must reintegrate reason into an individuals’ decision-making capacity. It must also recognize society as a limiting agent to liberty, while offering a space for freedom outside of any external restriction. Importantly, the reconstruction must be descriptive—accurately describing human behavior—and normative—offering individuals who appear deficient in their decision processes an opportunity to reclaim their rationality and freedom in choice.

Most importantly, a thorough definition of choice accounts for the critical deficiency in the classical and behavioral models, neither of which offer a clear answer to the question: what is choice? In the classical model, decisions are assumed to be choices, neglecting any automated or constrained actions. In the behavioral model, decisions are assumed to always be limited choices, limited by psychology and the choice environment, but choices nonetheless.

Redefining choices in the active sense enhances the behavioral model by labeling those “irrational” decisions in more precise and dignifying ways.

Choice, as I shall define it, is the sequential process of thought, will, and action. Before analyzing each step separately, it is important to note that each element is necessary and independently insufficient to constitute a choice. The process is also linear: thought preceding will and will preceding action. The absence of any element or the misalignment of any single element in the process constitutes a non-choice. Delineating the steps of choice offers the foundation to its counterpart, non-choice.

The Choice Process

Thought

Rationality is viewed as a pre-condition for choice—granting individuals the autonomy to discern their preferences, even before they are given the opportunity to act upon those preferences. As Ben-Porath says, “Decisions made through proper choosing processes are deemed justified and legitimate” (5). Since heuristics are considered irrational “choosing processes,” the new conception of choice must include a proper, rational process of determining one’s preferences to render the choice legitimate. The proper process is thought. Thought is a type of self-dialogue, a process of rumination. Hannah Arendt’s thorough description of thought will serve as the basis for understanding the process. For Arendt, thought has four primary characteristics: it is inactive; it is distinct from knowledge; it deals with invisibles, out of the world of appearances; and it is solitary.

Thinking’s first characteristic is that it paralyzes physical action, requiring the ability to stop and think (Responsibility and Judgment 176). Arendt writes:

Thinking’s chief characteristic is that it interrupts all doing, all ordinary activities no matter what they happen to be.... For it is true that the moment we start thinking on no matter what issue we stop everything else, and this everything else, again whatever it may happen to be, interrupts the thinking process; it is as though we moved into a different world (Responsibility and Judgment 165).

Thus, in the choice process, thought must be separated from action, since action is destructive for the activity of thinking. This distinction also lifts the burden of constantly thinking, as Arendt does not suggest that thinking is a continuous activity since action necessarily interrupts it.

A second facet of thought is its distinction from knowledge. Like Kant, Arendt distinguishes between thinking and knowing by separating

reason from intellect. Reason is the urge to think and to understand, while intellect seeks verifiable knowledge (Arendt, *Responsibility and Judgment* 163). Thinking is therefore a rational process by definition, since it involves logical reasoning, rather than serving as the storehouse of facts and knowledge. The consequence of the distinction from knowledge is that only thought can satisfy the need to think, rather than any functional accumulation of knowledge. Arendt says, “the thought which I had yesterday will satisfy this need today only to the extent that I can think them anew” (*Responsibility and Judgment* 163). A thinking individual must continually stop and think in order to satisfy her desire.

A third facet of Arendt’s thought is that it deals with invisibles, outside of the world of appearances (*Responsibility and Judgment* 167). This is not to say that thinking must only concern concept or ideas, only that when it does concern physical objects, they must be outside of the immediate sense perception. Arendt says, “to think about somebody who is present implies removing ourselves surreptitiously from his company and acting as though he were no longer there” (*Responsibility and Judgment* 165). More often than not, sensory experiences provide food for thought that occurs later.

The final facet of thought is that it is solitary—an idea closely related to the stop and think component of thinking. Michael Sandel conceives of moral arguments as a dialectic between one’s judgments about particular situations and the principles one affirms upon reflection; however, he also conceives of moral reflection as a public endeavor, rather than a solitary pursuit. His justification is that moral reflection requires an interlocutor, a Socrates of sort, who can put pressure upon one’s convictions (Sandel 28-29). Yet thinking in this manner would merely reinforce principles defined by society, especially if the interlocutor comes from the same political and social constructs as the individual. For this reason, thinking necessarily must take place in solitude—acting as one’s own interlocutor—in order to properly judge the social norms in play. Solitude is not loneliness:

Solitude means that though alone, I am together with somebody (myself, that is). It means that I am two-in-one, whereas loneliness as well as isolation do not know this kind of schism, this inner dichotomy in which I can ask questions of myself and receive answers (Arendt, *Responsibility and Judgment* 98).

Solitude, then, offers a forum for a silent dialogue of myself with myself. Arendt suggests that solitude can be interrupted by exhaustion or by other people. In the modern era, social media, technology, and other communication devices must be added to the list of disruptive forces.

Whatever the disruptive force, the self-dialogue in solitude “shuns the multitude” (Arendt, *Responsibility and Judgment* 103).

While it may seem obvious that thinking should preface a genuine choice, thought as defined by Arendt proves that it is difficult to achieve. Thinking places many obligations on a person—she must remove herself from society, she must stop all other activities, and she must think on objects not in her direct sense perception, but on phenomena outside her senses or on metaphysical questions. She must not engage in thinking for a functional, practical purpose to generate knowledge, but to think for thinking’s sake. These stringent requirements on thought explain why, according to Arendt, “Thinking, the quest for meaning—rather than the scientist’s thirst for knowledge for its own sake—can be felt to be ‘unnatural,’ as though men, when they begin to think engage in some activity contrary to the human condition” (165). It feels unnatural because individuals so rarely engage in thought of this sort.

An example of thought illustrates its rigor and hints at its potential benefits. Sandel describes an Arendtian form of thought that deals with intangibles: the moral dilemma hypothetical. Like Arendt, Sandel describes thought as an engagement in mental aerobics, but specifies that the activity involve moral quandaries—concepts outside of the world of appearances. For instance, Sandel presents the popular “trolley” thought experiment, which compels the thinker to discern the moral difference between pushing a man in front of trolley to save five people and pushing a lever to redirect the trolley, saving five but killing one as a result of the redirection. The moral quandary to save five at the expense of one compels the individual to discern his preference for utilitarianism—sacrificing one for the sake of five—or deontology—not intentionally pushing a person into harm’s way. As Sandel says, “By setting aside contingencies—‘What if the workers noticed the trolley and jumped aside in time?’—hypothetical examples help us to isolate the moral principles at stake and examine their force” (22-24). By thinking through hypothetical moral dilemmas, individuals engage in thinking not for a functional purpose, but to sort out their own moral convictions. They help determine their preferences for diverging moral principles.

Thinking on a moral dilemma satisfies the conditions of Arendtian thought: it is inactive and requires the individual to stop and think; it is not undertaken for a functional purpose to acquire knowledge; and it concerns intangible concepts in the hypothetical realm. Indeed, “This way of conceiving moral arguments, as a dialectic between our judgments about particular situations and the principles we affirm on reflection, has a long tradition. It goes back to the dialogues of Socrates and the moral philosophy of Aristotle” (Sandel 28).

Despite its rigor, incorporating this laborious process of thinking into the choice model has a number of benefits. First, while Arendt claims that thinking is not the handmaiden of knowledge and that it is “resultless by nature” (Responsibility and Judgment 166-167), it nonetheless serves the practical purpose of preparing the individual for a choice by creating preferences on which to act. This factor is not in contradiction with Arendt’s theory, since she acknowledges the preparatory nature of thought and that preparation is neither a tangible product nor a type of knowledge. Preferences must be determined at the level of thought in order to avoid the pitfalls of revealed-preference theory, which infers preferences from an action. Revealed preference theory does not account for counter-preferential choices, or when an individual acts against her own desires and beliefs. Since this concept is empirically disproven, and preferences are often misaligned with actions, they must instead be determined at the solitary, inactive stage of thought. Thinking offers the potential energy for action by generating preferences. As in the revealed preference and the behavioral models, preferences precede the action in a choice. Preferences prepare action by creating desires, beliefs, or inclinations for decisions. For example, I must think about my preference for a certain type of food in order to decide my lunch order from a restaurant menu. In the trolley experiment, I must determine my preference for utilitarianism in order to choose to save five at the expense of one. Thus, preparation to act is the practical function of thinking.

Preferences determined at the level of thinking can take many forms and need not be impermeable. On the contrary, because the desire to think can only be satisfied by the activity of thinking, thinking demands a continuous inner dialogue and revision process. Sandel’s description of the process of thinking on the moral dilemma requires starting with a conviction or opinion on the right thing to do, reflecting on the reason for the conviction, and determining the principle on which it is based. He writes:

Then, confronted with a situation that confounds the principle, we are pitched into confusion: “I thought it was always right to save as many lives as possible, and yet it seems wrong to push the man off the bridge (or to kill the unarmed goat-herds).” Feeling the force of that confusion, and the pressure to sort it out, is the impulse to philosophy. Confronted with this tension, we may revise the judgment about the right thing to do, or rethink the principle we initially espoused. As we encounter new situations, we move back and forth between our judgments and our principles, revising each in light of the other (Sandel, 28).

Rather than leaving an agent unprepared, this revisionary process of preferences affords the individual tools and moral principles to use for her decisions and actions. Sandel says, “wrestling with their dilemmas sheds light on the way moral argument can proceed, in our personal lives and in the public sphere” (27). Significantly, because thinking is solitary, this toolkit is internally defined rather than externally imposed, rendering the ultimate decision her own. Society or the state does not determine the justificatory principles of a moral dilemma because it is unable to interfere in the revisionary process of thought. Moreover, thinking helps a person to revise her preferences at different life stages. Peoples’ preferences can adapt to their maturing worldview.

Thinking is preparatory for Arendt in another way: it prepares the individual for action among a plurality of people by creating roots. Thinking and remembering is the human way to strike roots in the world, according to Arendt (*Responsibility and Judgment* 100). She writes:

For human beings, thinking of past matters means moving in the dimension of depth, striking roots and thus stabilizing themselves, so as not to be swept away by whatever may occur...The greatest evildoers are those who don’t remember because they have never given thought to the matter, and, without remembrance, nothing can hold them back (*Responsibility and Judgment* 95).

Thinking prepares for just actions by grounding the individual in a world of remembrance. The nuances between individuals’ preferences strike roots for an individual to be distinct among many in society, while simultaneously connecting him to those with similar tastes and aversions. Similar preferences connect individuals to one another, which may either encourage an individual to avoid evil and do good with those of similar preferences, or to do evil and avoid good with those of dissimilar preferences. By offering roots grounded in the emotions of guilt, fear, and sorrow, thinking deters actions with consequences that may strike those emotional chords. While Arendt focuses on the avoidance of evil by striking roots, thinking also has implications for altruistic actions, by creating roots in memories of happiness, generosity, and human goodness. By offering memories of these events and allowing an individual to ruminate on the emotional memory, an individual may be motivated to recreate the altruistic feelings again through his choices. In this way, thinking prepares an individual for good actions as well as avoiding evil actions.

Another benefit to incorporating this rigorous thought process into the choice model is that thinking is universally accessible because it is distinct

from knowledge. Knowledge is interwoven with access to education, life experiences, and the capacity for remembering facts. Thinking, on the other hand, does not deal with measurable facts. Arendt says, “the faculty of thinking, as distinguished from the thirst for knowledge, must be ascribed to everybody; it cannot be a privilege of the few” (Arendt, *Responsibility and Judgment* 166). Thus, thinking preserves the humanity of individuals who appear unintelligent or “irrational” in the market setting. Behavioral economists can no longer label the masses as irrational, since every person retains the capacity to think, whatever her level of knowledge. While it is universally accessible, it is still not as frequent as Socrates supposed, according to Arendt—“No doubt I can refuse to think and to remember and still remain quite normally human” (*Responsibility and Judgment*, 94). Thus, while thought is universally accessible, it is not necessarily universally utilized. However, when dealing with questions of morality, the capacity for thought must be universal. Arendt says, “If the ability to tell right from wrong should have anything to do with the ability to think, then we must be able to ‘demand’ its exercise in every sane person no matter how erudite or ignorant, how intelligent or stupid he may prove to be” (Arendt, *Responsibility and Judgment* 164).

The most significant benefit of thought is the salvation of an individual’s rationality and freedom of choice. Rationality in choice is salvaged due to the preparation for discernment in moral dilemmas. According to Beauchamp and Childress:

The virtue of discernment brings sensitive insight, astute judgment, and understanding to action. Discernment involves the ability to make fitting judgments and reach decisions without being unduly influenced by extraneous considerations, fears, personal attachments, and the like (40).

Closely related to this concept is Aristotle’s *phronesis*, or practical wisdom. A person who has practical wisdom is able to apply his values to particular circumstances, “while keeping emotions within proper bounds” and acting “with a proper balance of reason and desire” (Beauchamp and Childress 40). Thinking, then, is not purely “rational” as the classical model presumes, but allows for emotions, personal values, and desires to come into a choice. Because discernment is the result of a rigorous thought process of applying generalized rules, values, or morals to particular cases, it is not devoid of emotions. In other words, by preparing an individual to discern rather simply to prefer, thinking infuses reason into emotional choices. This addition enhances the role of thought in the choice process, because other-regarding preferences, such as altruism or spite, can remain rational choices.

Preferences based on narrow-self interest preclude such emotional social preferences, while discernment incorporates a broader range of choice options.

Moreover, thought reincorporates freedom into the choice model by its distinction from knowledge. Knowledge limits an individual's freedom of choice since it is quantifiable and absolute and often dependent upon access to education. Behavioral economists propose learning about heuristic pitfalls to avoid them in decisions, rendering a decision free of psychological constraints. However, because this knowledge is only accessible to those with access to behavioral economics courses or textbooks, free choice is reserved for only the educated elite by this account. The universal access to thought over knowledge allows any individual to have the capacity for free choice. Thinking offers a space for unlimited freedom of engagement. As Kant said, the separation of knowledge and thinking "eliminated the obstacles by which reason hinders itself" (Arendt, *Responsibility and Judgment* 164).

Will

Perhaps the most contentious aspect of the choice process is the notion of a will. Philosophers and psychologists fiercely debate whether humans possess a will, whether it is distinct from other cognitive processes, and whether actions can even be attributed to a particular will. Rather than outlining the complex debate, the description of will here will be brief, although admittedly incomplete. In the new conception of choice, the will is the bridge from thought to action. The will brings the solitary process of thought into reality. The will signals the direction for the potential energy of thought, transforming the speed of action into a velocity of choice. Arendt asks, "Does reason then command the will?" (*Responsibility and Judgment* 71). Reason in this account does not command the will, but prepares the will to offer direction for action.

The "conscious" is a useful concept to help describe the role of the will in the bridge of choice. While no definition of conscience is unmet by controversy, Beauchamp and Childress offer a moderate explanation of conscious, "An individual acts conscientiously if he or she is motivated to do what is right because it is right, has tried with due diligence to determine what is right, intends to do what is right, and exerts an appropriate level of effort to do so" (43). In this description of the conscious, thought is the "due diligence" of determining what is right, the will is the motivation or intention to do what is judged as right, and the action is the level of effort to act upon that judgment. The will, then, can be seen as an intention to align the thought with the action. This notion aligns with Kant's account of the conscience, which he views as a "compass" derived from pure practical

reason (Arendt, *Responsibility and Judgment* xxii).

A few points from John Searle's complex analysis of intentionality are noteworthy to understand the notion of will. First, a person may intend an action without the conditions of its satisfaction. For instance, Hamlet may intend to kill his stepfather, Claudius, but fail to satisfy that intention. Second, a person may intend an action but must do so in the right way. Hamlet may intend to avenge his father's death by murdering his murderer, but if Claudius had died of a heart attack, the satisfaction of the intention was not conducted in the right way. Third, Searle distinguishes actions with prior intentions from intentional actions. For example, Hamlet may be giving a soliloquy and pace about the room, an intentional action to move around, but conducted without prior thought. On the other hand, Hamlet may develop his intentions prior to his actions, as in the case of thinking about poisoning his stepfather. In the first case, Hamlet was acting intentionally; in the latter his action had prior intentions. The current account of the will in choice is concerned with actions developed with prior intentions, since choice necessitates a thought process that precedes an action. These intentions are derived from the preferences created in the thought process. Finally, Searle notes that there exists a causal connection between prior intentions and intention in action. These elements are causally self-referential, since the action is caused by the prior intention, rather than made through impulse or lack of thought (Searle 79-94). Any "accidents" in actions are not intentional and are thus neither choices nor non-choices. They are simply mistakes outside of the choice/non-choice models.

Central to the definition of choice is the alignment of thought, will, and action. The will must gain direction from the solitary, self-reflexive activity of thought. My will must not be directed toward exogenous ideas or gain direction without the necessary precondition of thought to be considered a choice. For example, if I think about kicking a soccer ball, and I am motivated to kick the ball and subsequently direct my action toward that intention, I have made a choice (however successful I am in the endeavor). If, however, I merely kick the ball out of a knee-jerk reaction, I have acted out of impulse or reflex without thought or intention; I have not made a choice. Thus, the will must direct the action in the path carved out by the waves of thought.

Separating thought, will, and action leaves the will intact when a person fails to produce the intended result (an accident) or acts against her own self-interest (a counter-preferential decision). Separating the intention from action also accounts for the flaws in revealed preference theory, where actions may not in fact align with the individual preferences. Critically, the will must not allow society, norms, customs, or exogenous agents to

impose the direction in order to be a genuinely free choice. I can intend to act according to outside purposes—conforming to a social norm or rule—but that intention is not grounded in a self-defined preference. For this reason, freedom and rationality must not reside in the will, since one can intentionally act according to external social influences. Rather, freedom and rationality in choice must reside in the solitary thought process, insulated from outside dictates. To make a decision, one can intentionally act; however, to make a free choice, the intention must be self-defined and aligned with the preferences created in thought.

Action

Action is the kinetic step of choice, prepared by thought and given direction by the will. Action, as defined here, is similar to Arendt's conception since it is defined in opposition to thought, but unique from Arendtian action, as genuine freedom remains in the activity of thinking rather than in action. Jerome Kohn describes Arendt's concept of action:

Thinking is self-reflexive, whereas an agent can act only with others than himself and the activity of thinking, which takes place in solitude, stops when a thinker begins to act, just as the activity of acting, which requires the company of others, stops when an agent begins to think with himself [Emphasis in Original] (Kohn, *Responsibility and Judgment*, xxi).

Arendt believed freedom was actualized in the process of initiation—not the result of the action, but the beginning of the act itself (*The Human Condition* 9). Thus, in both this account and Arendt's account, freedom occurs before the action itself.

Key to this account of action as the final node of a free choice is that it is distinct from behavior. Kohn elaborates:

The distinguishing mark of Arendt's conception of action, as opposed to behavior, is that it is its own end. Because the goals set by some agents inevitably conflict with those set by others, the meaning of action, if it has any, must lie within itself (*Responsibility and Judgment* xxiii).

Thus, individuals' actions must have self-created goals or preferences. Actions must not be rule-defined, since "there is nothing unique about adhering to those rules" and they must not do good for the sake of appearing good (Kohn, *Responsibility and Judgment* xxiv). When goals are set by others, or "exogenously" defined, the person is behaving. Only endogenously, or self-made, defined preferences can direct genuine actions.

This distinction of action and behavior is essential for the definition of choice because it sets the groundwork for non-choice. Behavior is rule-defined, without thought, and directed toward exogenous goals. Action, on the other hand, is fully aligned with thought and will. This tripartite choice alignment is not intended for outside purposes—such as creating a maxim for others’ action in Kant’s categorical imperative; rather, the alignment is for the individual’s own purposes, the meaning lying within itself. A person does not contradict his or herself in order to create a universally valid law, but in order to preserve her freedom and rationality for her own purposes (Arendt, *Responsibility and Judgment* 69).

While thought and will are essential steps in a free choice, action is equally as essential. Importantly, just as thought created the roots for remembering, “Action, in so far as it engages in founding and preserving political bodies, creates the condition for remembrance, that is, for history” (Arendt, *The Human Condition* 9). These conditions for remembrance are a direct result of the fact that, in opposition to the solitary activity of thinking, the activity of action “cannot even be imagined outside the society of men” (Arendt, *The Human Condition* 22). Thus, action requires the plurality of others’ actions. Arendt explains:

The *vita activa*, human life in so far as it is actively engaged in doing some thing, is always rooted in a world of men and of man-made things which it never leaves or altogether transcends. Things and men form the environment for each of man’s activities, which then would be pointless without such location; yet this environment, the world into which we are born, would not exist without the human activity which produced it, as in the case of fabricated things (*The Human Condition* 22).

Because “only action is entirely dependent upon the constant presence of others,” freedom must not reside in action, contrary to Arendt’s belief (*The Human Condition* 23). The presence of others necessarily limits free choice—either through the choice architecture of society, or through social institutions like the state or culture. Thus, when a person makes a choice, it must be preconditioned by thought and will, since action is necessarily a social endeavor.

To make a genuine self-defined, free, rational choice, one must preface her action with the process of solitary self-dialogue and her intention must be grounded in that reflexive self-talk. Only after those conditions are met can the individual act in conjunction with her thoughts and will. This plurality of human action is the most important component of the re-conception of choice for the purpose of understanding the notion of non-choice.

Benefits of the Model

One benefit of the new conception of choice is that it is simultaneously solitary and social; thought must happen in a vacuum while action necessarily occurs in plurality. An individual choice must be endogenously defined, or, in other words, no external agents can interfere with the tri-partite process of choice. A person legislates her own actions by creating self-defined preferences and directing her will toward satisfying those preferences. An individual must think for herself, will for her own purposes, and act upon her own preferences to freely choose. The solitary nature of the thinking process preserves individual rationality and freedom. Even amid external limitations on action, individuals retain the freedom to think and every individual has access to her faculties of reason. Thus, the new conception safeguards individual freedom and rationality in the thinking process.

Moreover, the most important benefit of the new definition of choice is that it offers an avenue to understand non-choice without accusations of “irrationality” and without having to infer preferences through actions. Rather, because the will may be misdirected or the action limited by outside forces, it is easy to see how individuals can make “counter-preferential” decisions. Without thought to establish an individual’s preferences, she may rely too heavily on norms, customs, and dictates to guide her actions. Additionally, without the will in alignment with the preferences determined in the thought process, it is easy to see how an individual can direct decisions for others. She may be overly concerned with the appearance of her action or for the desire to conform to others’ actions. Thus, there are many roadblocks in the choice process that can descriptively explain “irrational” behavior or “counter-preferential” decisions. The rigor of the tripartite choice process offers new avenues to explain collective behavior that, on the surface, lacks logical explanations.

Non-Choice

Non-choice is the negative conception of choice and is defined in two ways. First, it can be a decision made without thought. Individuals acting according to a custom or heuristic are not engaging in a choice because they are allowing the custom or heuristic to substitute for their individual thought. Second, non-choice can be a misalignment of the processes of choice. If an individual goes through a rigorous thought process, but her will directs her action away from endogenously defined preferences, she engages in non-choice. Thus, counter-preferential choices are not, in fact, choices, but non-choices.

Mill, Arendt, and Kant’s philosophies of liberty offer additional support for these two conceptions of non-choice. Mill offers insight into the

first conception and redefines conformity as a non-choice: “Forcing a person to live according to custom or convention or prevailing opinion is wrong, Mill explains, because it prevents him from achieving the highest end of human life—the full and free development of his human faculties” (Sandel 51). Thus, conforming to customs or conventions is a type of non-choice because it lacks thought. As Mill writes:

The human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference, are exercised only in making a choice. He who does anything because it is the custom, makes no choice. He gains no practice either in discerning or in desiring what is best. The mental and moral, like the muscular powers, are improved only by being used...He who lets the world or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties (Sandel 51).

Thus, anything done according to custom, without individual thought or use of “muscular powers,” is a non-choice. Mill concedes that following convention can lead a person to be superficially satisfied and prevent him from harm. But, he asks, “What will be his comparative worth as a human being? It really is of importance, not only what men do, but also what manner of men they are that do it” (Sandel 51). Thus, engaging in non-choice degrades a person’s humanity.

Hannah Arendt’s conception of non-thinking also corresponds to the concept of non-choice as a lack of thought. She writes:

[Thinking] may have a paralyzing effect when you come out of it, no longer sure of what had seemed to you beyond doubt while you were unthinkingly engaged in whatever you were doing. If your action consisted in applying general rules of conduct to particular cases in ordinary life, then you will find yourself paralyzed because no such rules can withstand the wind of thought (Arendt, *Responsibility and Judgment* 176).

Thus, conforming to a general rule of conduct is only possible through a lack of thought. By its very definition, thinking paralyzes choosing for conformity’s sake. Arendt describes the dangers of non-thinking guiding action:

By shielding people against the dangers of examination, it teaches them to hold fast to whatever the prescribed rules of conduct may be at a given time in a given society. When people then get used to is not so much the

content of the rules, a close examination of which would always lead them into perplexity, as the possession of rules under which to subsume particulars (Responsibility and Judgment 176).

In other words, non-thinkers subscribe to a rule not for its particular content, but in order to hold fast to a prescribed rule of conduct. Non-thinkers engage in non-choice by allowing the system to choose on their behalf. This conception of non-thinking non-choice does not dispute individual preferences that have society at heart—for justice or equality, for instance—but, rather, describes those decisions that are motivated by social conformity.

Kant sheds light on the second definition of non-choice. For Kant, the opposite of autonomy is heteronomy, in which an individual acts “according to determinations outside of herself” (Sandel 109). Sandel writes that, for Kant:

When we act heteronomously, we act for the sake of ends given outside us. We are instruments, not authors, of the purposes we pursue...[in contrast], when we act autonomously, according to the law we give ourselves, we do something for its own sake, as an end in itself. We cease to be instruments of purposes given outside us. This capacity to act autonomously is what gives human life its special dignity. It marks out the difference between persons and things (110).

Thus, any exogenously defined goal is not an autonomous choice, but a heteronomous non-choice because it is directed for purposes outside of the individual. Conformity for the sake of conformity, then, is a non-choice. When the state or society directs the individual’s will, it misaligns the choice process and renders the decision a non-choice. Again, this conception of non-choice does not judge the correctness of an individual’s preferences, but merely describes a decision conditionally motivated for purposes of conformity as a non-choice.

Finally, non-choices are banal behavior. Banal behavior aggregated across many individuals in society can lead to both horrific and fantastic consequences. Collective banal behavior, soon to be defined as social norms, can lead to a banality of evil or a banality of goodness in society. Non-choice may seem inconsequential on an individual level, but it grows in significance with a sufficiently large population of non-choosers.

Social Norms

Social norms are informal rules of behavior. This study shall redefine them as the aggregation of individual non-choices, as previously

defined. Cristina Bicchieri provides a comprehensive definition of social norms from which to launch this reformulation. It is helpful to understand what social norms are not before outlining what they are. Social norms are not private norms, or those “self-imposed rules that people construct to overcome weakness of will” because those are not observable to others nor contingent upon others’ approval (Elster 24). Social norms are also not habits or automated actions, since habits are private, idiosyncratic, and are not dependent upon others’ opinions (Elster 25). They are distinguished from legal rules as well, since the behavior is neither formally sanctioned nor enforced by exogenous entities. Thus, any enforcement of the norm is informal and based entirely on expectations of conformity (Bicchieri 8). Often, aside from etiquette books like Emily Post’s *Etiquette*, social norms are not made explicit. Rather, they are informal, meaning they exist without being written down or codified, making social norms particularly difficult to study.

Social norms focus on behavior in collection, rather than on individual behavior. Private, routine patterns of behavior or habits, such as brushing my teeth after mealtimes, do not fall under social norms because they are not motivated by expectations of others (Bicchieri 9). In contrast, collective behaviors that are norm-driven intertwine an individual’s motive to act with preferences of conforming to others’ actions. For example, a social norm exists in America to tip 20% of the total restaurant bill. This norm is informal, since it is typically not automatically included in the bill, and prescriptive, since it is not a prohibition on acting, but a positive instruction to act. Moreover, the norm varies by location, as a 20% tip in Europe would be unheard of just as a 0% tip in America would be extremely rude behavior. This indicates that the behavior is collectively motivated, since individual behavior varies by location and culture. In examining this type of collective behavior, the question becomes: are people endogenously motivated to engage in the same behavior or exogenously motivated by observing others’ behavior collectively? In other words, are people engaging in the same action because of individual motivations (i.e. everyone brushes their teeth for the same endogenous reason of having good oral hygiene), or are they engaging in the same action because of collective motivations (i.e. everyone tips 20% in the U.S. for the exogenous reason to comply with the social etiquette)?

In order to understand collective behavior, one cannot simply refer to the behavior, since that dismisses the motive of the behavior, nor can one simply refer to expectations of behavior, since people can place different expectations on themselves and others. Rather, social norms are constituted by the complex interplay of expectations and actions. An example is best suited to unraveling the complex definition of social norms. Let’s take

the New Mexican tradition of setting out luminarias on Christmas Eve. Luminarias, sometimes called farolitos, are small paper lanterns, usually made with a candle set in sand inside a brown paper bag, that are set out in front of homes on Christmas Eve in New Mexico. The tradition of setting luminarias in rows along my sidewalk is contingent upon my understanding that this tradition only occurs in a particular situation, on Christmas Eve. I have a conditional preference to conform to this tradition based on both my empirical expectations and normative expectations of the behavior. Empirical expectations are the beliefs that others also engage in a certain behavior. This necessitates observation of others' behavior. For instance, if I observe a large enough subset of my New Mexican community placing luminarias out on Christmas Eve 2011(my entire neighborhood, for example), I have an empirical expectation that they will do so again this Christmas Eve 2012. In order to conform, I must also have either normative expectations or normative expectations with sanctions. My normative expectations are that I believe that most, if not all, of my neighbors expect me to conform to the luminaria tradition. I may have normative expectations with sanctions if I believe that I will not be invited to the annual neighborhood association luncheon if I do not conform to the norm. Thus, I have a conditional preference to conform to the behavior rule of placing luminarias out on Christmas Eve, because I expect others to do the same and I believe others expect the same of me. This distinction between empirical and normative expectations also distinguishes social norms from descriptive norms, such as fashions or fads. I may want to wear the latest fashion because I observe others wearing the latest trend (i.e. empirical expectations), but not because of my belief that others expect me to be trendy (i.e. normative expectations) (Bicchieri 2).

The example of the luminaria social norm may seem mundane, but it illustrates my conformity to a collective behavior that is against my individual self-interest initially. From an individually rational perspective, the costs of setting out luminarias, including the material costs of the bags, sand, and candles, and the opportunity cost of time, outweigh the benefit, as I do not engage in the behavior for religious purposes and prefer to stay inside to avoid the winter cold, thereby willingly foregoing the benefit of seeing the beautifully lit lanterns. Individual rationality dictates that I should not partake in an activity in which the costs are greater than the benefits. Yet, each winter you can find me partaking in this costly behavior. Am I irrational?

Social norms offer salvation for my rationality. They do so by transforming a mixed-motive game into a coordination game (Bicchieri 3). Individually, I do not want to partake in a behavior that imposes greater costs than rewards. Collectively, however, I conditionally prefer to conform

to the behavior. For instance, according to a narrow self-interest, I prefer not to contribute money to purchase a retirement gift for a co-worker with a colleague. This mixed-motive game can be represented in a Prisoner's Dilemma, one-shot game:

Game 1: Mixed-Motive

		Person B	
		Cooperate	Defect
Person A	Cooperate	5,5	0,10
	Defect	10,0	2,2

If my colleague and I both defect from contributing money to the gift, we both receive a low payoff, since the colleague is upset. Our payoff is still positive because we did not have to take the time and money to purchase a gift. If we both cooperate, we split the cost of the gift equally. However, the best situation for either Person A or Person B is for the other person to cooperate, while she herself defects. In other words, I want my colleague to contribute 100% of the gift's costs, while I still reap the social benefit of giving a kind gift. In this narrow self-interested game, defection is the dominant strategy for both Person A and B. Mutual defection is the Nash Equilibrium. Social norms fix this dilemma by increasing the payoffs for cooperation while reducing the benefits of defection. The new one-shot Prisoner's Dilemma is a cooperation game rather than a mixed-motive game, thereby making cooperation (i.e. conformity to the norm) the dominant strategy.

Game 2: Coordination

		Person B	
		Cooperate	Defect
Person A	Cooperate	10,10	10,0
	Defect	0,10	1,1

With these payoffs, if a social norm of gift giving exists when a colleague retires, and Person A and Person B both have empirical expectations that

the other will contribute to the gift and normative expectations that they are expected to contribute (or that they will be informally sanctioned if they do not contribute), mutual cooperation is the equilibrium. Thus, it becomes rational to conform and contribute to the gift when a social norm is in place.

In this way, social norms offer reasons to conform based on informal social sanctions or rewards. It is rational to conform if the costs or rewards outweigh the benefits. However, simply because it is rational to conform to a behavior in the presence of a social norm does not make the action a product of free choice. Social norms are not the collection of irrational decisions, but the aggregation of individual non-choices. Non-choices, as defined by a disjunction of thought, will, and action, occur when an individual acts according to an exogenously defined preference. Choices are based on preferences that are not conditional upon others' actions. Social norms are by definition the collection of non-choices because individuals have conditional preferences over their actions. They act not for their own sake, but for the sake of others' expectations and behavior.

Bicchieri distinguishes between two methods of decision-making—deliberative and behavioral rules—which clarifies the ways social norms fit into the classical and behavioral models. Rational choice models support the deliberative route of decision-making. This route emphasizes that individuals assess a situation, gather information, list the possible consequences of different actions, assess the probability of each consequence occurring, and then calculate the expected utility of each alternative action (Bicchieri 4). While this is the only type of decision process in the classical model, the behavioral model recognizes the descriptive deficiency of this method, since individuals are limited by their own psychology and rely on heuristics and defaults to inform their choices. My decision to conform to the luminaria tradition demonstrates my divergence from the rational choice model of deliberation, as each winter I fail to undergo this rigorous mental calculation of lighting the lanterns. Yet, my actions are nonetheless intentional and do not suffer from deficiencies in my rationality (I should hope, at least).

While building upon the classical model's reliance on deliberative decision-making, the behavioral model does not recognize a second crutch for decision-making: behavioral rules. This route of decision-making is labeled the "heuristic route." According to Bicchieri, to prime a behavioral rule that applies to a particular situation, an individual categorizes relevant actions into various contexts based on memory. As such, cognitive shortcuts allow individuals to activate appropriate scripts and schemata for any given situation. For instance, I have a memory of luminaria lighting that is cued by the context of Christmas in New Mexico. My mind automatically begins calculating the percent tip owed upon receiving my dinner bill. Bicchieri explains:

[Heuristic route] behavior is guided by default rules stored in memory that are cued by contextual stimuli...According to the heuristic route, norm compliance is an automatic response to situational cues that focus our attention on a particular norm, rather than a conscious decision to give priority to normative consideration (5)

This heuristic form of decision-making is distinct from the heuristics described by the behavioral model, since it suggests society provides additional cues for automated responses. By “cuing” the behavioral rule, society prescribes a particular course of action for a given situation. The subsequent action can be categorized as either of the two forms of non-choice.

The first version of non-choice occurs when decisions are made without thought and according to automatic procedures. Previous constructions of social norms integrate rational decision-making into the decision to comply to the norm, by imposing an incentive structure with sanctions or rewards for compliance (Cialdini 1990). In this way, conformity was a conscious process that included a cost-benefit analysis for conforming or transgressing. Yet, in Bicchieri’s rational reconstruction, these rigorous cost-benefit analyses are unnecessary to induce conformity, since “compliance is often automatic and unreflective” (4). Bicchieri emphasizes the automatic component of norm compliance over the deliberative side of conformity:

The rational reconstruction of social norms does not commit us to avow that we always engage in conscious deliberation to decide whether to follow a norm. We may follow a norm automatically and thoughtlessly and yet still be able to explain our action in terms of beliefs and desires (3).

I set out the luminarias each winter or tip 20% without thought: I do not reflect upon the costs and benefits of my behavior, nor do I think about the principles and moral precepts underlying my actions; rather, I conform according to routine. I conform because of my expectations that the tradition will continue each year in my neighborhood, without fanfare or deliberation. Bicchieri notes, “Once one adopts a behavioral rule, one follows it without the conscious and systematic assessment of the situation performed in deliberation” (4). Thus, these behavioral rules are substituted for individual thought, making them a form of non-choice.

This form of non-choice is distinct from the behavioral model’s reliance on psychological heuristics and automated habits. In these non-choices, I am not going on “autopilot” since I am still consciously aware of my actions. This distinction from non-choice without thought and automated

processes is critical because it does not make my behavior irrational. Bicchieri writes, “There is a difference, though, between choosing rationally and choosing a course of action because it is the rational thing to do...Lack of awareness should not be equated with lack of rationality” (Bicchieri 47-50). Using Bicchieri’s example, a stock trader that uses a conventional signaling system is making a rational decision because she wants to buy and sell shares and the system is a way to coordinate with other traders. However, perhaps the trader was never aware or thought about the signaling convention as a coordinating device. She did not choose the device for rational reasons, but nonetheless made a rational decision to comply. The latter circumstance, in which the trader acted without thinking, is a rational non-choice. Bicchieri elaborates:

This, I must add, is a common experience; frequently we do not think much before acting, in the sense that our behavior does not consciously follow from intentions or plans and is carried out without awareness or attention. To engage in a thoughtful process, we must be sufficiently motivated: The situation must have high personal relevance, our action must have important consequences, we are held responsible for our choice, or there is some challenge present. As opposed to this thoughtful evaluation of pros and cons, we usually engage in a more rapid, heuristic form of processing (47).

This passage perfectly describes the parallel between heuristic decision-making through reliance on social norms and the lack of thought in a non-choice. Thus, social norms comprise the first type of non-choice—lacking thought and intentions derived from a free and rational cognitive process.

Decision-making that relies upon behavioral rules in social norms also fits into the second form of non-choice, which occurs when there is a misalignment of thought, will, and action. Bicchieri acknowledges that the distinction between deliberative and heuristic routes to behavior is a useful simplification, but is often not as clear-cut in reality. Rather, individuals may conform to a norm not through automatic processes, but for fear of negative social consequences (Bicchieri 51). In other words, an individual may rigorously deliberate with himself over his decision to follow a behavioral rule and may determine that following the rule is counter-preferential, but nonetheless follow it for fear of sanction for violating the norm (Bicchieri 51). The social norms direct the will toward exogenous preferences rather than endogenously defined preferences. Any decision based on expectations of others is exogenous to individual, or endogenous, preferences. In other words, if a preference is conditional on others’ behavior, it cannot be aligned

with self-defined preferences. For instance, the individual may determine through thought that his preference is not to tip 20% at a restaurant he will never visit again. Yet, his individual preference becomes conditional on others' compliance to the social norm, an exogenous preference. The social norm, therefore, directs his will toward the exogenous goal of complying with the social norm. He acts counter-preferentially not by a lack of thought, but by allowing the norm to impose conditional preferences. Thus, any counter-preferential decision is a non-choice.

In this way, social norms constitute non-choices either through a lack of thought or the misdirection of will. Under the new conception, social norms are the aggregation of individual non-choices. People are not acting, but behaving. People are not choosing, but conforming. This collective banal behavior has both positive and negative consequences. Reviewing the banality of non-choices reveals how social norms can produce negative externalities without evil motives—Arendt's concept of the banality of evil applied to collective behavior. A less frequently analyzed topic is the effect of collective non-choices on good externalities. Pro-social behavior may be promoted through mundane motivations to conform to a social norm. In these cases, people are not motivated by altruism or generosity, but simply by the desire to conform. The banality of goodness is a no less terrifying concept, as human dignity and kindness may be nothing but an illusion, caught behind the veil of collective non-choices.

The Banality of Evil Behavior

Locating the psychological source of horrific human action, especially the Nazi death camps in World War II, has become as rich an intellectual endeavor as understanding human choice and freedom. As Richard J. Bernstein writes in his philosophical interrogation of *Racial Evil*, the visibility of evil in the modern era, from Auschwitz to Cambodia and from Rwanda to Bosnia, has created a paradox for understanding these atrocities. On one hand, the visibility of evil has reached a peak in the twentieth and twenty first centuries—through reports on genocides, famine, and death camps, yet the intellectual resources for understanding evil are limited. Studying the topic “numbs us” through the excruciating descriptions and personal testimonies of events. The question stemming from each horrific event is not only how humans have committed such horrific crimes against humanity, but also “what do we really mean when we describe an act, an event, or a person as evil?” (Bernstein 1-2).

Despite the numbing effect, this question is not devoid of answers. Kant coined the term “radical evil” to explain such horrors. While controversy surrounds what this term means, it is clear that Kant believes an individual's

will, rather than his reason, is the source of evil. Importantly, Kant does not allege that humans are naturally inclined to commit evil acts; rather, humans can choose to commit evil. Their volitions direct their evil actions, making the individual fully responsible for his evil maxim (Bernstein 15 and 43). The location of evil in the will attributes an evil motive or intention to the actor. In short, it attributes evil to a choice. Bernstein writes, “Kant never compromises on the principle that it is always within our power to choose between good and evil maxims, and that it is we (and we alone) who must bear the responsibility for these choices” (43).

Kant’s conception of radical evil is fundamentally flawed for two reasons. First, it presumes a level of consciousness in actions, which may not be present. In the presence of automated, norm-based decisions, the individual is unaware of his motives to act. Thus, under Kant’s conception of evil, non-choice does not exist, since only people who are fully conscious of their motives can act. This has proven to be theoretically false and will soon be proven descriptively invalid. Moreover, in this world, the diffusion of responsibility would reduce to an environment in which no agent is responsible for his actions or crimes, since a motive may never be directly pin-pointed.

A second flaw of Kant’s conception of evil is that it allows human atrocities to be rationalized. Arendt writes in *The Origins of Totalitarianism* that Kant rationalized the concept of racial evil as “perverted ill will” that could be explained by “comprehensible motives.” For her, comprehending the incomprehensible left no rational solution to evil (Bernstein 11).

This paradox of never being able to understand the incomprehensible led Arendt to her own conception of evil. She proposed that evil outcomes might not always be attributed to an evil motive, but may possibly occur through a lack of thought—a non-choice under the current framework. Arendt’s report on the trial of Adolf Eichmann in Jerusalem coined a controversial phrase: the banality of evil. Arendt attributed Eichmann’s evil actions not to a psychological evil motive or a predisposition to wickedness, but to a lack of thought. She writes:

However monstrous the deeds were, the doer was neither monstrous nor demonic, and the only specific characteristic one could detect in his past as well as in his behavior during the trial and the preceding policy examination was something entirely negative: it was not stupidity but a curious, quite inauthentic inability to think (*Responsibility and Judgment* 159).

Eichmann’s thoughtlessness renders his actions non-choices. He lacked an evil motive in the Kantian sense; rather, his motives were compliance

to a set of bureaucratic rules. While this study concerns non-choices in the collective, Eichmann illustrates the horrific consequences of one individual's non-choice. Like Eichmann, those non-choosers in the collective also exhibit a lack of thought and judgment over the codes they follow.

Eichmann's inability to think manifested itself in his testimony in court through a reliance on clichés and his flagrant contradictions and inconsistencies—a fact that had not bothered him at trial, according to Arendt. She writes:

Clichés, stock phrases, adherence to conventional, standardized codes of expression and conduct have the socially recognized function of protecting us against reality, that is, against the claim on our thinking attention which all events and facts arouse by virtue of their existence (Responsibility and Judgment 160).

His reliance on standardized codes of expression and conduct parallels an individual's reliance on psychological heuristics and social norms to guide behavior. Individuals' use of conventions to direct their actions protects them from the reality of their actions. Thus, collective banal behavior that causes negative externalities does not bother an individual non-chooser, since "everyone else does it." Following a social norm offers protection from the moral realities of the actions, just as Eichmann's insistence to follow orders severed him from judging the morality of his behavior.

Most importantly, Eichmann "had not the slightest difficulty in accepting an entirely different set of rules" (Arendt, Responsibility and Judgment 159). As we shall see, those following anti-social or unpopular norms are almost instantly convinced to comply with a completely different set of rules. This quick reversal of behavior mirrors Eichmann's instantaneous reversal in judgment of his actions: "He knew that what he had once considered his duty was now called a crime, and he accepted this new code of judgment as though it were nothing but another language rule" (Arendt, Responsibility and Judgment 159). This rapid reversal of preferences, both on the individual and collective levels, provides evidence for the lack of thought in bad outcomes, as "evil" actions are not rooted in anything endogenously substantive.

FGM/C

The first descriptive account of banal behavior with negative externalities is female genital mutilation/cutting (FGM/C). Before defining the practice as a collection of individual non-choices, or a social norm, it is helpful to understand the practice itself, its prevalence, and its purposes. From

the start, it is essential to note that the decision to cut or not to cut is made by someone other than the female. If the girl is young enough, a surrogate may make the decision on her behalf or impose the decision upon her without her consent. Because the surgery is irreversible, the girl never has the ability to properly choose whether to be cut or not, even upon reaching adulthood. This imposition of the decision complicates but does not prohibit studying the practice under the lens of choice and non-choice. When describing the preferences and decisions to undergo the practice, this account will refer to the preferences and decisions of whoever makes the decision on the girl's behalf—an imperfect but necessary solution to the complication.

FGM/C describes the practice of partially or totally removing the external female genitalia. The practice ranges from removal of the clitoris to removal of all external genitalia, leaving only a small opening for urine and menstrual blood (“Fact Sheet”). The practice is most common in 28 countries in Africa and the Middle East, but also occurs at high rates in Indonesia, Malaysia, Pakistan, and India. Tremendous challenges exist in trying to identify how many women and girls undergo the practice, since reporting may be inaccurate, especially where the practice is illegal or socially unacceptable, and since it is difficult to validate the accuracy of reporting. However, some estimate that three million women and girls undergo FGM/C annually (Population Council, “Change is Possible”).

It is imperative to note that the reason this practice comes under the label of banal behavior with negative externalities is not due to individual reasons or cultural traditions for the practice. The categorization is not meant to insult a particular way of life or liken it to the atrocities previously discussed. Rather, it is placed under the negative label due to the host of health problems associated with the practice. The problems depend upon the degree of cutting, the sanitation of the tools, and the girls' health. The short-term health problems include bleeding or hemorrhaging, infection, pain, and trauma. Long-term health problems include problems going to the restroom which may cause infection, vaginal scarring that makes sexual intercourse painful, painful menstruation, increased risk of sexually transmitted infections, fertility problems, problems during child birth, and psychological and emotional stress including post-traumatic stress disorder and depression (“Fact Sheet”). Reading the list of health problems sickens in the same way that Bernstein suggests excruciating and detailed descriptions of evil events can make us “numb” (1).

Despite its numbing effect, the prevalence of the practice, along with the tremendous health consequences, has led major organizations—including the United Nations, World Health Organization, and Non-Governmental Organizations (NGOs)—to study the motives underlying the practice for the

purpose of creating strategy interventions to end the practice. Contrary to common belief, FGM/C is not condoned in any religious text and not directly undertaken for religious purposes, although they are sometimes used as a guise. Rather, it is practiced for social, economic and political reasons. The U.S. Department of Health and Human Services Office of Women's Health explains the many possible individual motives for the practice:

Those who support FGC believe that it will empower their daughters, ensure the girls get married, and protect the family's good name. In some groups, FGC is performed to show a girl's growth into womanhood and, as in the Masai community, marks the start of a girl's sexual debut. It also is performed to keep a woman's virginity by limiting her sexual behavior. FGC is believed (by those who practice it) to stop a woman's sexual desire. In some groups, women who are not cut are viewed as dirty and are treated badly. While FGC pre-dates both Christianity and Islam, religion is also used to promote the practice. Some communities believe that in order to be good Muslims, parents must have their daughters cut. There are also many superstitions about FGC, such as: The clitoris will continue to grow as a girl gets older and so it must be removed; [and] the external genitalia are unclean and can actually cause the death of an infant during delivery ("Fact Sheet").

This list of motives—superstitious, religious beliefs, and notions of sexuality—could be integrated into an active choice model if they are genuine, endogenously defined preferences. Because discerning whether these preferences were created under a rigorous thought process is impossible, we cannot definitively conclude that they are genuine choices. However, it is theoretically possible that individuals actively choose to cut their daughters with the alignment of thought/will/action. If they are indeed acting upon their own preferences, intervention becomes unnecessarily corrosive on the individual's freedom and rationality. After all, we can't argue with others' preferences.

There is one other motive attributed to the practice that offers an opportunity for intervention for those wishing to end the widespread practice. The Office of Women's Health explains, "FGC is often part of a community's tradition. Most parents who support FGC believe they are protecting their daughter's future marriage prospects, and not hurting her. It is seen by parents as part of a girl's upbringing" ("Fact Sheet"). Undertaking a practice for tradition and for social purposes signals that people who cut their daughters may not be actively choosing based on their endogenously defined preferences. Rather, individuals may be deciding to cut their daughters for the exogenous purposes of conforming to tradition, inducing

them to undertake a counter-preferential action. They are engaging in non-choice through the misalignment of their preferences and actions. Similarly, if they decide to cut their daughters without thought to their preferences for cutting, they are non-choosing.

Understanding the social motive for conformity is essential for intervention strategists. Strategists who address religious motives will necessarily fail, because, in addition to being corrosive of the individual's free will, they address the wrong trigger of action. Strategists who create strategies to address the decisions to comply to an unpopular norm must address the social motives that prompt the counter-preferential action. As one NGO working on intervention strategies for FGM/C notes, "FGM/C is practiced for a variety of reasons differing by ethnic groups even within the same country. It is essential, therefore, to tailor any intervention to address community rationale for FGM/C and take into account readiness to openly question and address the issue" (Population Council, "Change is Possible"). For this reason, the Population Council believes that the "most effective approaches for abandonment of FGM/C are multifaceted, intervening at many strategic points and promoting a different norm publicly" ("Change is Possible"). Strategies include education of the physical and psychological effects of the practice, public debate about the practice, and public pledge of abandonment. This multi-faceted approach focuses on the social motivations for cutting and the interdependent decisions of members of the community. In short, it considered FGM/C to be a social norm.

Defining FGM/C as a social norm is now widely accepted among international organizations, including the United Nation's Children's Fund (UNICEF) and major NGO's, such as Tostan. In addressing the problem of FGM/C, UNICEF focuses on the social dynamics of the practice and the importance of interdependent decision-making. The intervention strategies address social norms, as defined in game-theoretic terms. Importantly, the practice perfectly fits Bicchieri's definition of social norms, and thereby establishes itself as a collection of individual non-choices.

The first indication that FGM/C is a social norm is the clustering of its practice. If a sufficient subset of the population is required for conformity, then a clustering of conformity would be expected. If the practice is undertaken for individual, endogenously defined preferences, then the rate of conformity should be evenly distributed across a population. The practice is not evenly distributed and its prevalence varies drastically by country—1% in Cameroon and 5% in the Democratic Republic of the Congo practice FGM/C compared to 96% in Egypt and Guinea and 90% in Somalia (Lewnes 4-5). Thus, the clustering subsets of the population who undertake the practice signify that it has community-based motives rather

than individually defined motives. In addition, the practice is contingent upon the family preferring marriage to non-marriage and understanding that the behavioral rule to cut applies to the marriage situation.

Most importantly, the practice is a conditional preference based on both empirical and normative expectations. UNICEF relates the practices to a conditional preference by focusing on the community motive, thereby considering it a social norm (they refer to norm as a social convention, but the effect is the same) (Lewnes 2005). UNICEF reports:

The social processes of FGM/C resemble the social dynamics of the self-enforcing social convention theory identified by Schelling. Families carry out FGM/C to ensure the marriageability and status of their daughters within the intramarrying group. For marriage and for status, what one family chooses to do depends on what other families in that community choose to do (Lewnes 13).

The motive of marriageability and social status are conditional preferences because they are goals that are dependent upon the community at large. They are conditioned upon the empirical expectation that other members of the community cut their daughters and the normative expectation that they are expected to cut their daughter. It may also be the case that they are based on the normative expectation with sanctions since “no one family can abandon the practice on its own; to do so would ruin the marriageability and status of that family’s daughters” (Lewnes 13). Thus, if a family does not cut their daughter, they are faced with the social sanction of lowered social status and potential financial ruin by not marrying off their daughter.

Because the preferences are conditioned upon the perceptions of eligibility for marriage and the relative status of others, they are exogenously defined motives, thereby constituting them as non-choices. This indicates FGM/C is the second type of non-choice—the misalignment of the choice process—rather than a type of thought. Individuals who are engaging in the practice are still rational, but are acting counter-preferentially. The counter-preferential nature of the decision to cut is empirically proven. In Burkina Faso, for instance, 72.5% of women undergo FGM/C. Yet, when they were interviewed, only 11.1% of women between 15 to 29 years old preferred to support the practice (Mackie “Presentation Philosophy of Social Science”). The women endogenously preferred not to cut their daughters, yet acted counter-preferentially. They engaged in non-choice through a misalignment of the thought, will, and action.

Unraveling why individuals engage in counter-preferential decisions leads back to the game-theoretic construction of social norms as transforming

a mixed-motive game into a coordination game. In a mixed-motive game, the payoffs for cutting are less than not cutting, as the preferences elicited in the Burkina Faso study suggest. The preferences without a norm in place create the following game matrix, played with the self and “others” representing the entire community:

Game 3: Mixed-Motive

		Others	
		Uncut	Cut
Self	Uncut	5,5	5,0
	Cut	0,5	0,0

This table illustrates a mixed-motive game that has a dominant strategy to not cut, since the payoff in “Don’t Cut” strategy always outweighs the “Cut” strategy. In this individual mixed-motive game, the Nash Equilibrium is everyone not deciding to cut his or her daughters.

However, the game theory matrix with the norm of cutting in place transforms the game into a coordination game. The following matrix uses the same payoffs in UNICEF’s report:

Game 4: Coordination

		Others	
		Uncut	Cut
Self	Uncut	3,3	0,2
	Cut	2,0	1,1

In this game, the presence of the norm transforms the payoffs to create a coordination game. Importantly, there are two stable Nash Equilibria: both cut, or both don’t cut (Lewnes 15). Either coordination strategy constitutes an equilibrium, because no one can make himself or herself better off by changing strategies. They have no incentive to deviate from their chosen

course of action; therefore their strategies are mutual best responses to the others' actions.

Significantly, the presence of both stable coordination strategies gives those wishing to end the practice hope. The equilibrium of both cutting is referred to as "stuck in the tragic equilibrium." UNICEF reports:

The members of a FGM/C-practicing community find themselves in the tragic equilibrium portrayed in the lower-right box D: Self Cut and Other Cut – All Cut. Individually, each would be better off in the hopeful equilibrium portrayed...All Uncut. Each values the tragic equilibrium of All Cut at 1, each values the hopeful equilibrium of All Uncut at 3, but no individual acting alone can make the move from the worse equilibrium, All Cut, to the better equilibrium, All Uncut. To do so on her own would make her worse off (Lewnes 16).

The strategy to play the sub-optimal equilibrium is not irrational, either, because it integrates the benefits of conforming and the sanctions of non-compliance into the decision matrix. UNICEF reports that even if each individual endogenously prefers to escape the equilibrium:

The tragic equilibrium of All Cut traps everyone. Because of the interdependency of choice, even if every single individual in the community wanted to abandon the practice, no individual could do so on her own. Why? Abandonment of cutting would make an individual worse off, unless she can be sure that everyone else would stop as well. The fact that Other may want to stop provides Self no assurance that Other actually has stopped, or will stop. And from Other's point of view, the fact that Self hopes to or might stop provides no assurance either (Lewnes 16).

Coordinating the collective abandonment of the practice must address these social motivates, rather than individual motives. Legal strategies are insufficient for compliance, as the Population Council notes, "Passage of laws to criminalize the practice are not sufficient because they do not address underlying social norms supporting FGM/C" ("Change is Possible"). Incorporating two other concepts of game theory alongside the theory of social norms bolsters intervention strategies: pluralistic ignorance and tipping points.

First, pluralistic ignorance addresses that fact that people are unaware of others' non-choices. Pluralistic ignorance is a cognitive state in which one believes one's preferences are different from those of similarly-situated individuals, even if one's behavior is identical to others' behavior

(Bicchieri 186). The process of pluralistic ignorance occurs where no transparent communication is possible and when people engage in social comparison with others' observable behavior, assume that others' behavior is consistent with their preferences, and infer that everyone who engages in the same behavior endorses their own behavior (Bicchieri 186-188). Thus, they conform to the same behavior because of a false inference of preferences.

The concept of non-choice enhances and simplifies the understanding of pluralistic ignorance. People subscribe to the same inference of preferences as in revealed preference theory, and thereby falsely characterize others' behavior as choices. This reveals one major consequence of non-choice: if you behave according to others' actions, you may mistakenly behave according to counter-preferential actions, thereby making your own behavior counter-preferential. Thus, non-choices and pluralistic ignorance may lead to the emergence and perpetuation of unpopular norms. For instance, racial segregation may be supported by non-choices through the process of conforming to counter-preferential actions. A study in 1975 found that 18% of those polls actually favored segregation, but 47% believed that most favored segregation (O'Gorman 1975; Bicchieri 193). The racist norm undoubtedly sustained itself in American thought due to a misperception of others' preferences. Thus, when actors use others' actions rather than thought as the basis for preference-generation, a racist norm may persist.

Informational cascades are one mechanism that may support pluralistic ignorance. This occurs when one group of trendsetters acts in one way, which causes the others to act based on the inferred preference of those trendsetters, which causes others to act based on those trendsetters, and so forth. The cascade of inferences is based on others' actions, which conveys no truthful information about preferences. A norm set off by an informational cascade is very fragile and easily upset by truthful information. Bicchieri writes:

To model the effects pluralistic ignorance may have on the dynamics of unpopular norms, we need to model how people may rapidly converge on a common behavioral pattern on the basis of very little information, and how even a little new information, suggesting that a different course of action is optimal, may shift collective behavior in a direction opposite to the status quo (Bicchieri 86).

The model Bicchieri uses to prompt this shift in behavior is an informational cascade, which takes very little to reverse the cascade.

FGM/C is likely a case of pluralistic ignorance triggered by an informational cascade, evidenced by the rapid rates of abandonment. In

communities where FGM/C is prevalent, people wrongly infer that others' actions are based on their true beliefs and there is a lack of transparent communication. There is an informational cascade in which people base their actions on others' behavior, which has little to no informational value about genuine preferences. Intervention strategies that successfully shift the norm toward abandonment reveal that pluralistic ignorance is at play. Specifically, one of the six elements in the UNICEF strategy for abandonment is an explicit, public affirmation in communities of their genuine preferences. Individuals in a community must publically commit to abandon the practice in a large public gathering or through a widely distributed statement.

Once the genuine preferences are made public, the norm based on false inferences of preferences (i.e. based on others' non-choices) quickly shatters. It is so fragile that approval of the practice shifts almost overnight, finally converging on the equilibrium reflective of genuine preferences. This is empirically supported by the success of such public abandonment strategies in communities. In one community in Senegal, Tostan measured the approval ratings for FGM/C before and after the intervention strategy:

FGM/C Preferences and Practices

Changes in approval ratings for FGC following implementation of the Tostan community education program, Senegal				
	Participants		Comparison Group	
	Baseline	Endline	Baseline	Endline
Women				
Approve FGC	72%	16%	89%	60%
Will cut daughters in the future	71%	12%	89%	54%
Men				
Will cut daughters in the future	66%	13%	78%	56%
Prefers a woman who has been cut	---	20%	---	63%

Clearly, the data indicates a rapid reversal of willingness to cut after the public pledge of abandonment—from 72% to 16% for women and from 66% to 3% for men (Population Council, “Change is Possible”).

The second useful concept for understanding the quick abandonment and fragility of unpopular social norms is Thomas Schelling's concept of a “tipping point” of behavior. Gerry Mackie likens the coordination game and tipping point to sitting in a standing audience. Perhaps everyone in the audience prefers to sit to watch a performance. If one person prefers to sit and acts upon that preference, then she doesn't see the performance.

Everyone else in the audience will remain standing unless a certain threshold of people decides to sit. Similarly, “if only one family abandons FGC, its daughter doesn’t get married” (Lewnes 17). Thus, a critical mass of sitting or abandoning FGM/C is necessary to tip to the preferred equilibrium. Once enough people decide to act upon their genuine preferences, they have an incentive to declare their intentions and recruit others to adopt their new practice. If a sufficient number of people desire to abandon the practice of cutting their daughters, then the social norm may tip to the other stable Nash Equilibrium of everyone choosing not to cut. The tipping point does not transform the coordination game back into a mixed-motive game, but tips it to the mutually preferable equilibrium. Thus, individuals are finally able to align their preferences, will, and actions; they are able to choose.

Nowhere in this description of the widespread practice of FGM/C is an account of “evil motives.” Describing social norms as a collection of individual non-choices not only preserves the rationality of the individuals partaking in counter-preferential decisions, but it also preserves their humanity. Analyzing an “irrational” decision or “evil” crime must take into account the presence of social norms in order to accurately qualify them as “evil.” Perhaps their motivation is not demonic, but social. Perhaps they are not choosing an evil course of action, but non-choosing a conforming behavior.

Rather than attributing motives to the negative externalities, the case of FGM/C illustrates banal behavior through the aggregation of counter-preferential non-choices. It was not the case that individuals did not think about their preferences for cutting. Their thought is evidenced in the study in Burkina Faso in which women declared their genuine preference. The presence of the norm to cut did not change individual preferences for cutting, but directed the will toward an action misaligned with thought—a non-choice.

Foot-binding

Social norms also facilitate banal behavior resulting from the collection of decisions made without thought. Non-choice without thought also preserves individual rationality, since individuals are not incapable of rational choice, but are simply not utilizing their capacity for reason. Like the case of counter-preferential non-choices, social norms that produce bad externalities are not caused by individual evil motives. Arendt describes social norms as one danger perpetuated by non-thinking. She says that non-thinking teaches the individuals to substitute social norms for thought:

[Non-thinking] teaches them [individuals] to hold fast to whatever the

prescribed rules of conduct may be at a given time in a given society. What people then get used to is not so much the content of the rules, a close examination of which would always lead them into perplexity, as the possession of rules under which to subsume particulars. In other words, they get used to never making up their minds (Arendt, *Responsibility and Judgment* 178).

Instead of thought preparing the path for action, social norms prescribe a person's conduct. People do not act, but behave in accordance with the cultural norms they are given.

The social norm of foot-binding in China illustrates the case of banal behavior perpetuated by the absence of thought, rather than by evil or irrational motives. Understanding the practice, its purposes, and its prevalence is again necessary to understand its categorization as a social norm. Foot-binding is a practice that consists of wrapping a six- to eight-year-old girl's toes under the foot and the sole toward the heel. The wrapping bandage is worn day and night in an attempt to achieve a pointed four-inch-long foot (Mackie 1000). As in the case of FGM/C, foot-binding is included under the heading of negative externalities not for cultural reasons, but due to its tremendous health risks: "Complications included ulceration, paralysis, gangrene, and mortification of the lower limbs; perhaps 10 percent of girls did not survive the treatment." Due to these health risks, and the extreme pain of the practice, the saying became, "A mother can't love both her daughter and her daughter's feet at the same time" (Mackie 1000). In addition to the physical pain, the women with bound feet were left crippled and housebound. This made costs of the practice extremely high, since a working-class family had to choose between binding their daughter's feet and using her for labor in the fields. The opportunity cost of lost wages, then, must be included in the list of negative externalities.

The prevalence of the practice was also extremely high. It originated in the Sung Dynasty (960-1279), perhaps by a dancer in the emperor's palace or the love poet Li Yu (937-978), and subsequently spread rapidly. At first it was fashionable to bind a woman's foot, but foot-binding quickly transformed into a social requirement in which "people were ashamed not to practice it" (Mackie 1001). By the Ming Dynasty (1368-1644), the practice was a deeply ingrained norm. Over time, it spread from the upper classes to the lower classes and became more exaggerated. By 1835, 50 to 80 percent of women bound their feet—the clear exceptions being working women and women in the lowest rungs of society. The practice's evolution may be seen as the evolution of a choice to follow a fashion to a non-choice reinforced by social norms.

UNICEF says that there are important parallels between FGM/C and foot-binding in China. Mackie describes the similarities between the two practices:

- Among the correspondences between foot-binding and FGM/C, they both:
- Are nearly universal customs within groups where they are practiced; they are persistent and are practiced even by people who oppose them.
 - Control sexual access to females and promote female chastity and fidelity, at least in their origins.
 - Are considered to be necessary for proper marriage and are believed to be sanctioned by tradition.
 - Seem to have a past of contagious diffusion and are supported and transmitted by women (UNICEF 3; Mackie 999).

Most significantly, foot-binding resembles FGM/C insofar as it is a self-enforcing convention, perpetuated by the informal social punishment of chastisement in the marriage market for non-compliance (Mackie 999).

Intervening to end the practice originally failed. In 1665, the Manchu conquerors failed to abolish the practice by imposing steep legal penalties. An edict against foot-binding failed again in 1847. As in the case of FGM/C, these strategies failed because they neglected to address the social nature of the practice. If the motive is social, any intervention targeting the individual utility function will necessarily fail. Progress towards abandonment only began at the point when anti-foot-binding societies emerged. Protestant missionaries founded the first society in 1874 and the first indigenous society began in 1897. By 1912, the Nationalist Revolution banned the practice (Mackie 1001). Because the societies recognized the social conditioning of the practice, they had hope for success.

Reformers used three key strategies to end the practice of foot-binding in China: reformers educated the Chinese that the country was “losing face” in the international arena, in which other countries did not practice foot-binding; they educated the Chinese on the health problems of bound feet; and they created social networks of “natural foot societies.” The final element resembles the strategy of public pledge of abandonment in FGM/C, as it created an informal social sanction by having individuals publically pledge not to allow sons to marry women with bound feet and not to allow daughters to bind their feet (Lewnes 3).

The social strategy ended the practice almost immediately. In fact, the practice of foot-binding lasted for over 1,000 years, but ended in a single generation (Mackie 999). In one rural area, the female population went from 99% bound in 1889 to 0% bound in 1919 (Mackie 1001). This

instantaneous reversal can also be diagrammed in game-theoretic terms, as the Nash Equilibrium changed from the “tragic equilibrium” to the preferable equilibrium by transforming the norm from a strategy of compliance to coordinated repudiation of the practice.

The stability of the tragic equilibrium may have been partially perpetuated by counter-preferential non-choices, since “some Chinese opposed foot-binding as useless but felt obliged to conform for the sake of proper marriage” (Mackie 1001). However, these counter-preferential decisions seem to be the minority of cases. The more likely case is that the norm was perpetuated by non-choices characterized by a lack of thought. This proposition is supported by the other explanations of foot-binding. Some explanatory theories suggest that the Chinese people developed an aesthetic appreciation for small feet (Levy 1966), believed the practice displayed a family’s wealth (Veblen 1934), and distinguished the Chinese from other northern ethnicities (Ebrey 1990). This indicates that people desired to bind their daughters’ feet. With a few exceptions, the practice was not against rational self-interest, but aligned with genuine preferences.

Despite the alignment of the will and action, the almost instantaneous reversal of a social norm suggests that the element of non-thinking played a prominent role in foot-binding. For non-thinkers, adopting a new rule of conduct is easy (given that the majority of others also conform to the new rule) because they are not choosing their course of action, but allowing their behavior to be chosen for them. In China, women were not choosing to bind their feet. They simply bound their feet because society told them to bind their feet. They did not think about their own preferences. Arendt comments on the quick reversal of behavior for non-thinkers:

If somebody then should show up who, for whatever reasons and purposes wishes to abolish the old ‘values’ or virtues, he will find it easy enough provided he offers a new code, and he will need no force and no persuasion—no proof that the new values are better than the old ones—to establish it. The faster men held to the old code, the more eager will they be to assimilate themselves to the new one; the ease with which such reversals can take place under certain circumstances suggests indeed that everybody is asleep when they occur (Responsibility and Judgment 178).

Thus, whenever a rapid reversal of behavior occurs, an element of non-thinking is likely at play since individuals are not choosing according to their own self-written law, but allowing society to dictate their behavior.

This point of the rapid reversal of norms, perpetuated by non-thinking non-choices, is illustrated most simply by Sweden’s “Dagan H” dag

for road reversal. People drive on the right side of the road because others drive on the right side, making it in their own best interests to coordinate in order to avoid head-on collisions. The right-side-of-the-road preference is conditional on others' actions. Yet, although coordinating driving behavior is in each driver's individual self-interest, it is not a behavior that is based on thought. Drivers do not inherently prefer the right to the left; they simply want to coordinate their actions and drive on.

Sweden encountered a problem in this desire to coordinate driving strategies. In Sweden, most cars were left-hand vehicles, but the country's immediate neighbors, including Norway drove on the right. This discrepancy in strategies caused many head-on collisions when passing in two-lane highways, prompting the Swedish government to begin the HTK (Statens Högtrafikkommission) or the "state right-hand traffic commission." It prepared for "Dagen H," a day that would shift the norm from left- to right-side driving. On Sunday, September 3, 1967, all traffic was prohibited between 1 and 6 p.m. to convert the roads. Before 1 p.m., the norm was left-side driving; after 6 p.m., the norm was right-side driving. The shift was pleasantly uneventful. In fact, 5 fewer traffic accidents were reported on Monday morning than on the previous Mondays (125 from 130 to 198) ("Dagen H"). The shift was quick and painless largely because the norm was perpetuated by non-thinking. If people had genuine preferences for driving on the left, then the new norm would have caused chaos and social upheaval. Because people were behaving according to a thoughtless norm, it was not difficult to assimilate to a different, thoughtless norm.

Dagen H illustrates how non-thinking non-choices can also lead to deeply engrained social norms. While FGM/C was an example of the negative externalities caused by a misalignment of will and thought, acting according to given social constructs is perhaps more terrifying and dangerous. Just as Eichmann systematically executed millions by a lack of thought, a collection of individuals can create social phenomena through non-thinking decisions. It does not take radically evil motives to create social phenomena with horrific outcomes. Millions of women are circumcised annually and millions of Chinese women were crippled not due to evil motivations, but due to non-choices.

The insight that motives are not necessarily the driving force behind suboptimal states of the world offers hope. Bicchieri writes, "Many norms are not socially beneficial, and once established they are difficult to eliminate. If we know what induces people to conform to 'anti-social' norms, we may have a chance to curb destructive behavior" (Bicchieri 7). The state cannot justly interfere with individual preferences, but it may have cause to intervene if the preferences are against the individual's self-defined

preferences. Thus, once China and the United Nations recognized the social aspect of foot-binding and FGM/C, they were given the opportunities to curb the destructive behavior.

The Banality of Altruistic Behavior

Just as horrific negative externalities may result not from evil motives, but from individual non-choices, wondrous positive externalities may result not from altruistic motives, but from the aggregation of individual non-choices. Like the invisible hand correcting for mistakes in the marketplace, the interdependency of individual decisions may inadvertently guide good behavior in society.

Costly individual behavior that has larger benefits for society triggers the free rider problem in Public Goods Games. In the game, each individual has an incentive to defect from contributing to the public good, leading to a deficient outcome, or a “tragedy of the commons” (Hardin 1968). It has been observed that over repeated play in the Public Goods Game, there is decay toward the free-riding equilibrium (Isaac, Walker, and Thomas 1984; Kim and Walker 1988). This decay to the sub-optimal equilibrium may result from rational choices in which individuals deliberate the costs and rewards of compliance and determine that defection is in their best interests. James Andreoni identifies this strategy to defect, based upon deliberative thought, as the best explanation for the decision to free ride (1988). Andreoni also notes that there may be an element of learning in this decay, in which individuals learn that the dominant strategy is to defect after repeated interactions. Both the calculative and learning explanations to the free riding equilibrium fall under the active choice model, since subjects are appearing to calculate the costs and benefits of their decisions and to act accordingly, even if it takes some time to learn the correct response.

The decay to the suboptimal equilibrium may also result from non-choices. In the real world, individuals may be following a social norm of defection causing an overall deficient result for society. For instance, society’s growing taste for tuna has led to the tragedy of the commons in the Bluefin tuna population worldwide. Many cite that the trendy norm of eating sushi has led to a deficient result for society and the environment (Revkin, “Tragedy (Tuna) of the Commons”). The decision to recycle also illustrates this point: a person may choose to recycle by thinking about the high costs to the environment, or a person may non-choose to recycle by observing everyone else in society recycling.

Despite this game theoretic prediction, empirical studies also prove that free riding is not always the dominant strategy for individuals. For instance, subjects in a Public Goods Game often play at levels halfway

between the free riding and Pareto efficient level (Marwell and Ames 1981). History is littered with instances in which pro-social phenomena successfully overcame the free-rider problem. Voting, blood and organ donation, and even communities who recycle in large quantities without external rewards, are all social phenomena unexplainable by traditional game-theoretic predictions. If the individual costs outweigh the individual benefits, why do individuals nonetheless partake in pro-social behavior? What explains this paradoxical equilibrium?

It is tempting to attribute pro-social behavior to altruistic or benevolent motives. This account portrays the individual as a hero when she donates blood, for example. In fact, blood drives often give donors tee shirts and buttons proclaiming: "I'm a Hero!" (Unitedbloodservices.org). These individuals may truly be "heroes" if they are motivated by pure benevolence or altruism. They are heroes if they are making an active choice by thinking critically about their preference for donation, and directing their will toward the act of donation. However, what if these individuals were motivated by the tee shirt proclaiming their heroism? If these individuals donated for the sake of appearances, then did they make the decision for its own sake (a choice) or for the sake of appearing altruistic to others (a non-choice)?

Social scientists have offered empirical evidence that benevolence may not always be the driving force behind pro-social behavior. Rather, social norms seem to be the motivation to conform to a behavior that has beneficial social consequences. For example, one much-studied example of a pro-social norm that guides behavior is the norm of fairness. In an Ultimatum Game experiment in the United States, the fairness norm was evident. The Proposer gave a mean offer of 30-40% of the total amount, which may have demonstrated a fear of rejection more than a taste for fairness. However, offers below 20% were rejected about half the time (Camerer 2003). If Responders were acting according to the classical model of rationality, then they ought to have accepted any non-negative allocation. By rejecting even positive offers, they showed a preference to punish unfair offers, reinforcing the social norm of fairness (Bicchieri 104). Even in the Dictator Game, in which the Proposer dictates the outcome without fear of punishment, the mean allocation is 20% (Forsythe et al. 1994). This indicates some other-regarding preference is at play, since the rational assumption would hypothesize that the Proposer gives nothing (Bicchieri, 107).

Fairness is just one of a host of social preferences evidenced in Ultimatum and Dictator Games. It is important to note that social preferences are distinct from socially motivated actions, since social preferences concern the content of the preference rather than the motivation. Thus social preferences, just like other individual preferences, cannot be disputed in

decision theories. The existence of social preferences proves that individuals are concerned not simply with their own monetary payoffs, thereby destroying the classical assumption of narrow self-interest. Yet, are social preferences irrational preferences? Fehr-Schmidt created an integrated utility function to prove that inequality aversion can be factored into an individual's rational decision calculus (1999). This would suggest that social preferences, for altruism or equality for instance, could be integrated into the classical rational model alongside monetary rewards.

Yet, this integration of social preferences is not necessary to prove an individual's rationality in behaving pro-socially. Rather than having society as the content of the preference, individuals may have the preference to conform to pro-social behavior. Social norms may motivate pro-social behavior by substituting for the individual thought process or by misaligning the individual preference with the decision. In the latter case, individuals are rational to act against their individual preference in order to reestablish a net-beneficial norm. When a Responder rejects an above-zero offer, this may be viewed as a "punishment" for the Proposer violating a norm of fairness. In Public Goods Games, especially, cooperators are very willing to punish free-riders, even if it is costly for them and even if they cannot resolutely expect future benefits from punishment (Fehr and Gächter 2000). Fehr and Gächter note that potential free-riders can only avoid or reduce punishment by increasing their cooperation levels (2000). If a pro-social norm of fairness is prevalent in society, then punishing violations would be in the best interest of the individual across repeated interactions.

This punishment is not irrational, despite the cost to the Responder, because it reestablishes a solution to a difficult coordination problem. Under the definition of social norms, the punishment must be informal, so fear of a reduced monetary payoff is not informal in the proper sense. However, Dillenberger and Sadowski have suggested that an additional punishment to non-compliance is shame (2010). When an individual behaves selfishly under observation, or chooses the allocation that most benefits herself, the decision-maker feels a sense of shame. This informal sanction is critical since it induces compliance to a pro-social behavior not through integrated sanctions (i.e. reduced payoff), but through informal social sanctions.

Pro-social norms do not always lead to beneficial results, however. In fact, sometimes the existence of a pro-social norm actually induces anti-social behavior. For instance, the hunter-gatherer society of the Ik was reported to have a strong norm of reciprocity (Turnbull 1972). If one member of the society helped another, the receiver of help would have a strong obligation to reciprocate the favor, even in incommensurable gifts such as going to war. As such, members of the Ik would go to great lengths to avoid receiving

gifts, such as repairing leaky roofs at night to avoid a neighbor's offer to help. They were avoiding the pro-social norm of reciprocity (Bicchieri 9). Dana et al. empirically confirm this observation of norm avoidance, using Dictator Games to show that people will take great lengths to avoid engaging in pro-social behavior (2004).

Thus, behaving with other-regarding preferences is not irrational. The real question is the following: is pro-social behavior a choice? Bar Hillel and Yaari suggest that allocations in the Dictator or Ultimatum Games follow a thoughtful distributive mechanism. This mechanism depends upon a reflective equilibrium (Rawls 1971) and grounded in "observed ethical judgments" or "moral intuitions" (Bar Hillel and Yaari 1983). If the mechanism for distribution is indeed prefaced by a reflective thought, in which one considers the moral and ethical consequences of the decision, it is indeed a genuine choice. For instance, if I determine that I have a preference for equality through a solitary thought process, my decision to allocate according to that distributive mechanism can be considered a choice. If, however, my allocation reveals my preference for equality, it cannot be accurately considered a choice. The inference may be based on a counter-preferential non-choice or a non-choice guided not by thought but by automated procedures. Thus, inferring a benevolent or altruistic motive from a good result is fallacious.

This account of pro-social behavior suggests that at the center of any of these pro-social norms are not necessarily individual choices, but non-choices guided by exogenously defined preferences or a lack of thought. With the presence of a norm of generosity, for instance, "the person who instead follows a norm of generosity or cooperation need not have a desire to 'feel good'" (Bicchieri 18). This is evidenced in the empirical finding that employees in Italy who were given a paid-day-off incentive to donate blood donated, on average, about one extra donation annually (Lacetera and Macis 2010). If the person were donating to "feel good," then the rate of donation should remain constant with or without the paid-day-off incentive. Thus, other motives must be infiltrating the "purely altruistic" motives.

Benevolent motives are defined as completely other-regarding desires. Similarly, an altruist wants to satisfy another's desires at whatever cost to the self. Thus, if a person is either benevolent or altruistic, they should not be influenced by norms, but should act according to their own benevolent or altruistic desires. This conception denies that a person can be both a benevolent person and norm follower (Bicchieri 18). In other words, individuals are either guided by their own preferences to act generously, or by society's normative and empirical expectations for behavior, but not both. Either they act or behave.

Benevolence, according to Bicchieri's account, can only be a motive for individuals directing their actions at an inner circle of relations. In this instance, benevolence is only defined as an active choice. She writes:

Benevolence, however, is usually directed to people with whom we habitually interact and know well. As social distance increases, benevolence tends to decrease. If most people were benevolent toward strangers, we would need no pro-social norms of fairness, reciprocity, or cooperation. In particular, we would have no need for these norms that 'internalize' externalities created by behavior that imposes costs on other people. Thus it is plausible that one is guided by benevolence (or even altruism) in interacting with family and friends, but when interacting with strangers, be guided by social norms. Moreover, whereas benevolence toward those who are close to us should be a relatively stable disposition, generosity or cooperativeness with strangers will vary according to our expectations (Bicchieri 18-19).

Thus, benevolence and altruism by definition are choices, since people can hold others' well-beings as the object of their action, but cannot be motivated by these preferences on a societal level. In other words, choices may be founded upon preferences that have society as the object, while non-choices have conditional preferences for conforming to a pro-social norm.

This recognition of the difference between a benevolent social preference and an action motivated by a preference to conform to the pro-social norm is critical for policymakers or philanthropists who desire to induce pro-social behavior. Just as interventions that targeted "evil motives" failed in the cases of FGM/C and foot-binding, interventions that target "altruistic motives" will necessarily fail to induce pro-social behavior if conformity is the true preference.

Identifying the positive externalities guided by non-choices rather than individual altruistic motives is as appealing, if not more appealing, to policymakers and philanthropists wishing to induce pro-social behavior. Bicchieri writes, "The idea that social norms may be cued, and hence manipulated, is attractive. It suggests that we may be able to induce pro-social behavior and maintain social order at low costs" (7). Voting and default organ donation serve as the two examples of individual non-choices leading to positive benefits for society. Both cases are caused not by individual goodness, but by a banality of goodness induced by conformity rather than thought.

Voting

Voting is necessary for democratic functioning to express "the will of the people," to prevent a tyranny of the majority (Pressman 2004), and

to garner legitimacy to a government domestically and abroad (Levine 2005). Some even contend that voting allows a citizen to move the political apparatus toward his or her preferences (Levine 2005). For these reasons, classifying voting as a “pro-social” activity is hardly disputed.

Yet, the social phenomenon of voting presents a paradox. From the canonical model of rational self-interest, each individual has an incentive to free-ride on the public goods game of voting, avoiding the many costs of showing up to the polls, while still acquiring the benefits of living in a democratic society. However, this public choice theory of voting does not manifest itself in reality, since people vote at much higher rates around the world than public choice theory predicts. For instance, in 2000, 104 U.S. million citizens voted, which represents over 50 percent of the voting eligible population. Again in 2008, 61.6% of the voting eligible population got out the vote (United States Election Project). In contrast, the canonical model predicts a zero-turnout equilibrium. Many explanations which attempt to explain this paradox between observation and prediction have surfaced. These explanations serve not only an academic purpose, but also a practical function, since mechanisms designed to increase turnout will necessarily fail if they are targeting the wrong motives for voting.

The first explanations for the voting paradox conceive of voting as an active choice. For instance, Harsanyi (1980) suggests that people turn out on Election Day according to a utilitarian rule, or by adopting Kant’s categorical imperative and applying it to election. In this view, individuals ask themselves what would happen if no one voted, and thereby adopt the action that maximizes the social welfare if it was adopted by all members of society (Amaro De Matos and Barros 240). If individuals did vote according to a rigorous thought process and directed their actions according to a self-defined preference, it would be a choice.

Game theory presents another explanation of the voting paradox, which also renders the act of voting a choice. In this perspective, citizens vote if and only if the potential benefit of voting exceeds the costs (Palfrey and Rosenthal 8). In the deliberative thought process, citizens should make these calculations:

Vote if Probability (Benefit) > Cost
Abstain if Probability (Benefit) < Cost

The expected gains from voting depend on the benefit—typically the benefit of the voter’s preferred candidate winning the election—multiplied by the probability of the voter’s ballot determining the election. This expected gain must outweigh the costs in order to induce voting (Pressman 5). If the

thought process did, in fact, follow this calculus, the action of voting would be considered a choice.

Unfortunately, manipulating any one of these variables proves to be insufficient to explain the voting paradox under rational choice theory. First, public choice theory attempts to explain the paradox by focusing on the decisiveness of a vote or the expected probability of making a tangible difference in the election's results. While effective in small elections, instrumentality fails to explain the paradox in large jurisdictions, such as the United States' presidential election. For this reason, John Aldrich suggests that the "rationality of voting is the Achilles' heel of rational choice theory in political science" (Aldrich 1997).

Others focus on the costs in the decision equation to explain the paradoxical observation. The U.S. Census Bureau found in one study that the majority (40.6 percent) of registered voters chose to abstain in the 2002 election due to the high costs of voting (Levine 185). Unfortunately, any calculation of costs—including tangible costs such as transportation as well as opportunity costs such as missing work or leisure—indicate that any rational, self-interested person should not vote. To further complicate the rational choice perspective, significantly reducing the costs of voting does not increase the voting rate. Patricia Funk found that introducing the system of optional postal voting in Switzerland decreased the costs of voting significantly, but hardly increased turnout (3 percentage points), which Funk found to be statistically insignificant. Tilman Börgers also warns that reducing the costs of voting through the internet may result in reduced participation because the election may lose legitimacy, which reduces the probability of decisiveness (Börgers 532).

Still others focus on the altruistic benefits of voting. This explanation views voting as expressive in its intent and considers casting a ballot a consumption activity that offers the benefits of feeling a sense of civic duty and a patriotic self-image (Jakee and Sun 61). While the benefit of civil duty (+D in the rational calculus) may factor into some citizens' rational calculi, the theory is not falsifiable. Roland Bénabou and Jean Tirole's theory of pro-social behavior recognizes the interaction of altruistic motivations with other motivations:

To gain a better understanding of pro-social behavior, we sought, paraphrasing Adam Smith, to "thoroughly enter into all the passions and motives which influence it." People's actions indeed reflect a variable mix of altruistic motivation, material self-interest, and social or self-image concerns (1674).

Rather than disputing the explanation of altruism, which cannot be disproven for lack of falsifiability, this account of voting accepts it as a potential explanatory factor. If individuals are genuinely motivated by their own preference to vote for purposes of a higher ideal—i.e. civic duty, democratic functioning, or belief in a candidate—then they are making genuine choices.

Not all votes can be rendered a choice, however. Benevolence in choice is incompatible with social motivations, as previously defined. Thus, while Bénabou and Tirole claim that there is an interaction between formal incentives, social norms, and individuals' altruistic motivations, this account rejects such an interaction of motivations. If a vote is cast for exogenously defined preferences, conditioned on normative and empirical expectations, it is not an active choice, but a behavior conforming to a norm.

A non-choice occurs when people “perform good deeds and refrain from selfish ones because of social pressure and norms that attach honor to the former and shame to the latter” (Bénabou and Tirole 1653). While previous rational choice explanations failed, the voting paradox may be explained through social norms. Amaro de Matos and Barros subscribe to this explanation, viewing others' decisions to vote as creating a cascade of influence on a citizens' preference to vote (2004). The preference to vote is conditional upon the empirical expectations of others voting. Observing high voting rates in previous elections would produce this empirical observation, satisfying the first prong of social norms. Observation of voting behavior may come through word-of-mouth reports, television reports, or the long lines at a polling booth. While the Australian ballot makes the ballot unobservable, the act of voting itself has many opportunities for observation.

Voting also fits the criterion of normative expectations. If a norm to vote exists in a community, then a citizen will believe that she is expected to vote by her neighbors and friends. This social pressure misdirects the will from an endogenously defined preference, characterizing the behavior as a non-choice. If this is the case, the rate of voting should increase when social pressure increases. Empirical studies prove this to be true. Funk's research in Switzerland suggests that social pressure to conform to the norm of voting is highest in smaller communities. She writes:

The sharpest test for social pressure arises from looking at the effect of postal voting in different-sized communities. A large number of anthropological studies have documented that social control is particularly strong in small and close-knit communities. People know each other and gossip about who does their civic duty and who does not. Therefore, the relief from social pressure is supposedly the highest in small communities and *ceteris paribus*, also this negative ‘social effect’ on turnout (Funk 1).

Her empirical evidence of the postal voting system in Switzerland corroborates this social effect, as voter participation was more negatively affected in smaller communities (Funk 1). Smaller communities, which had the most inconvenient and shortest timeframes to vote, had a 50 percent lower increase in turnout (1.5 percent increase). Funk explains the paradoxical findings of lowering the costs of voting through social incentives. She says that smaller group sizes exert more social pressure and that “adding an opportunity that allows to escape social pressure might reduce pro-social behavior” (Funk 9). Tadelis corroborates this pressure in his finding that cooperation increases in a trust game if defection is made public (2007).

Voting can either signal conformity to a norm that “everyone votes” or a norm that “a good citizen votes.” Funk notes that evidence suggests that citizens with a strong sense of civic duty are more likely to vote, proving a social norm exists that a good citizen should vote. Under either norm, the preference to vote is dependent upon the normative expectations of conformity, rendering it an exogenously directed behavior. Signaling voting behavior is critical for expectations, since it makes the action observable. A citizen can signal *ex ante*, indicating her intentions to vote, or *ex post*, indicating that she did, in fact, vote. Signaling *ex post* may occur in American society with the “I voted!” stickers. The simple “I voted!” sticker is a way to signal a voter’s patriotism and conformity to a social norm.

Compliance to the norm also creates social benefits, transforming the mixed-motive game into a coordination game, thereby solving the free-rider problem. Bénabou and Tirole note that social signaling is present in pro-social behavior due to the reputational rewards of contributing to the public good or conforming to the social norm. They write, “Decisions carry reputational costs and benefits, reflecting the judgments and reactions of others—family, friends, colleagues, employers. The value of reputation may be instrumental or purely affective (social esteem or shame as a hedonic good)” (Bénabou & Tirole 1654). Funk says that the benefits of signaling include social esteem from showing up at the polling station, the avoidance of social sanctions, or the benefits of being perceived of as a cooperators in the community (2). She writes:

Both types [defectors and cooperators] may receive signaling benefits from showing up at the polls, e.g. through social esteem from people who are at the polls and from those who learn about the voting act through gossip. As community size increases, social connectedness decreases and signaling benefits as well.... If social pressure matters for voting decisions, the presence of mail-in ballots provides an opportunity to escape. Therefore, the more social concerns matter for voting decisions, the more distinctive

the mail ballot system's trade-off between cost reduction and a reduction in social incentives (Funk 3).

Bénabou and Tirole point to vote by mail as reducing the signaling effect by making the act of voting unobservable. This explains the unaffected voting rate in Switzerland despite reduced costs, since the main social effect in the mail-voting system was the removal of social pressure. It reduced the costs at the expense of the social benefits.

Taken together, the empirical and normative expectations render the decision to vote a conditional preference. The preference for behavior is dependent upon the interdependencies of decisions. Voting is a non-choice because it is counter-preferential: individuals appear to calculate the time and expense of voting as less than the social benefits of conforming. The social benefits of voting make the act beneficial not for its own sake (i.e. fulfilling a civic duty), but for the sake of appearance. Thus, the conditional preference is focused on society's preferences rather than individual preferences. Amaro De Matos and Barros write, "the utility of voting or not voting for an individual depends on the decisions made by the individuals in his/her given social-relations network" (241). The action is not taken for "altruistic" preferences, but for the social preference to conform to a norm of voting. As Mill says, "He who does anything because it is the custom makes no choice" (Sandel 51). If the norm to vote or the norm that a good citizen votes exists in a community, then high participation rates are nothing more than collections of individual non-choices, which just so happen to create positive social benefits. A high voting rate is banal behavior with good results. Thus, norms create not only a banality of evil, but also a banality of goodness in society.

Organ Donation

Default organ donation serves as the example of a pro-social phenomenon perpetuated by non-thinking non-choice. This example stands out from the previous examples, since the state, and not society, is the agent directly influencing the choice. The case study is still relevant because the state does not mandate donation nor does it impose penalties or rewards for opting-out of the donation system. The example also has a wealth of literature surrounding autonomy in relation to choice. Social norms are still at play in default organ donation systems, as they signal the preferences of society through the default decision.

Organ donation clearly fits into the "pro-social" category, as more than 112,000 people are in need of an organ transplant in the United States at any given moment. The need for donations is urgent, as 6,521 patients

died while waiting for organ transplants in 2010 alone. Eighteen people die each day, on average, waiting for an organ donation. Due to this high need, organ donation presents a social dilemma, since only 14,507 donations occurred in the United States in 2010 (New York Organ Donor Network). In addition, there seems to be a contradiction between people's preferences and actions. When surveyed, 97% of respondents indicated their support for transplantation, yet their willingness did not translate into their donation decisions, as only 43% checked the organ donation box on their driver's license. Majorities were also willing to donate while living, but only 64% of those respondents marked their drivers' licenses in favor of donating and only 36% had an organ donor card (Sunstein 178). The mismatch of supply to demand and stated preference to action has incentivized practitioners to search for creative ways to increase the supply.

One method practitioners use to induce pro-social behavior is to reduce the costs. Yet, the costs for living organ donors cannot easily be circumvented. Donating a liver, for instance, has the high cost of going through anesthetized surgery, followed by the potential for health complications. According to a rational choice model, the risks and costs of donating an organ while living outweigh the benefits. Despite this fact, in 2010, 282 living people donated their livers (out of 6,291 total donations) and 6,276 donated their kidneys (out of 16,8898 total donations) (New York Organ Donor Network). These people were likely not acting "irrationally," but donating to a family member or friend based on genuine altruistic motivations, since altruism is possible at an intimate level.

Despite the notable altruistic motivations to donate an organ, the high costs of donation while living make the rational choice to not to donate to a stranger, or someone outside an inner-circle of friends and family. Descriptively speaking, individuals are largely complying with the canonical model of decision-making according to their rational self-interest. Their calculations direct their action toward the choice to not donate while living. What remains to be explained, however, is the low rate of deceased organ donations. Of the 14,507 organ donors in the United States in 2010, only 7,943 were deceased donors (New York Organ Donor Network). Of the 360,000 transplants that have occurred since 1998, 80% came from deceased donors (Sunstein 177). The rate of living to deceased donations is nearly identical, despite the much lower cost of donation when deceased. Absent spiritual, religious, or moral concerns, the costs of organ donation when deceased should be negligible.

One controversial solution to organ donation is a "donorcycle" mechanism, which points to the effect of increased organ donations (a 10 percent increase) upon repealing motorcycle helmet laws (Dickert-Conlin

et al. 2009). This intervention, however, produces a beneficial externality only at the expense of increased fatalities. Moreover, the number of donors on the deceased donation registry necessarily limits this solution. As such, solutions must target the underlying motivations for not pre-registering to donate upon death.

As a result of this tradeoff, some look to targeting choice as the mechanistic solution. Sunstein notes that the primary obstacle to increasing donations is the requirement of consent, in which surviving family members consent once deceased or living individuals give prior consent for donation. Consent is the ultimate use of rationality and autonomy, in which individuals choose with intentionality, understanding, and without controlling influences (Beauchamp and Childress 101). Consent is the center of the organ donation debate, since individuals must give their express agreement to being a donor before death or a surrogate must consent after death. Any mechanism that seeks to increase the number of organ donations, rather than focusing on the demand side through more effective allocation, necessarily grapples with the concept of consent. Practitioners are encouraged by studies that cite the mismatch of preference to donate and actual levels of donation. However, using these studies as the basis for implementing policies that circumvent consent is fallacious, since individuals may want to appear willing to donate when surveyed, but genuinely prefer not to donate in reality. Despite this fallacious justification, many practitioners think “nudging altruism” through default consent mechanisms is the best solution.

Presumed consent is one system proposed to fix the supply of organs. The system would presume consent to donate unless the individual or the family explicitly opts-out. This system may alleviate the shortage, to an extent. In a study of Europe, countries that had presumed consent mechanisms (Belgium and Austria) had much higher levels of organ donation than countries using an opt-in system (the U.K., Germany, and the Netherlands) (Davis 1383). In a lab experiment, when individuals had to opt-out of the system, 82% remained donors, in contrast to only 42% who agreed to be donors if they had to opt-in (Sunstein 180). Thus, the “nudge” of setting the default to donation, requiring the individual to actively opt-out, may work to increase registered donors.

Despite this pro-social benefit, default donation mechanisms are ethically tenuous. Presumed consent is a non-choice, since it bypasses the individual thought process and exogenously imposes a decision. By circumventing an individual’s rationality, the policy encourages making the decision automated. Any behavior that is automated necessarily lacks a thoughtful preparation, since general rules of conduct cannot “withstand the wind of thought” (Arendt, Responsibility and Judgment 176). Thus,

Davis is wrong in his contention that a default system “promotes individual autonomy by allowing competent adults to make the donation decision for themselves, rather than have it made for them by relatives” (Davis 1382).

The default mechanism is classified as a “liberal paternal” policy, because it allows the individual the liberty to opt-out, while nonetheless signaling the correct decision. The American Medical Association is critical of the presumed consent mechanism, saying that it “raises serious ethical concerns unless effective mechanisms are in place for documenting and honoring refusals” (Davis 1383). Beauchamp and Childress warn that, “presuming consent on the basis of a general theory of human goods or of the rational will is morally perilous.” They also refer to the non-choice of presuming consent: “Consent should refer to an individual’s actual choices, not to presumptions about the choices the individual would or should make” (Beauchamp and Childress 107).

In default donation mechanisms, society accompanies the state as another limiting agent on a person’s freedom to choose to donate. By setting the default to donation, an individual infers that there is a rational justification for this decision—a nudge based on sound judgment. The donation default also serves as a signal for the individual of society’s preferences. Individuals may infer society’s preference for donation from the default, creating pluralistic ignorance based on that inference. Individuals are unaware of other society members’ genuine preferences for donation, so they use the default setting for organ donation as a signal to infer society’s preferences. This inference is not based on individual facts, but on the choice menu itself. In this way, individuals infer the social norm of donation through a process of pluralistic ignorance not unlike the case of FGM/C. Thus, society encourages defaulting to a pro-social norm without any basis in endogenously defined preferences. Social norms exacerbate the limitations of freedom and rationality imposed by state default donation policies.

Any state mechanism for default donation presents an ethical dilemma as to whether to induce pro-social behavior at the expense of imposing the will of society and the state on an individual’s decision. This tradeoff between granting the liberty to choose and correcting a suboptimal societal equilibrium is not unlike the tradeoff between deceased motorcyclists and increased organ donations. The fear is that just as some states may repeal motorcycle helmet laws to increase the supply of organs, some may restrict a person’s liberty to choose, bypassing their rationality, in order to increase the social good. Johnson and Goldstein note, “Defaults can lead to two kinds of misclassification: willing donors who are not identified or people who become donors against their wishes. Balancing these errors with the good done by the lives saved through organ transplantation leads to delicate

ethical and psychological questions” (1338). Those ethical questions stem from the different causes of “choosing” the default: one can actively look at the checked box and consent; one can inadvertently keep the box checked through lack of attention; or one can keep the box checked because one infers that to be the best decision, as defined not by themselves, but by the state. The first default setting is a choice because active thought is given to the decision; the second default setting is a non-choice characterized by lack of thought and conscientiousness; and the third default is a non-choice based on social norm’s misdirection of the will toward the exogenous preference to conform.

Reciprocity norms are another social norm that has affected the organ donation process. The National Kidney Registry leverages the reciprocity norm by matching donors to patients in need through an exchange process. If Person A is willing to donate a kidney to Person B, but it is not a good antibody match, then, without the Registry, Person B would remain on a long waiting list for a donation. However, if a similar antibody mismatch occurs with Person C willing to donate to Person D, then an “exchange” of recipients can occur. This matching technique can create long chains of exchanges—some reaching as many as 60 people long (Sack, “60 Lives”). The New York Times reports that this domino chain began with “an algorithm and an altruist” and “its momentum fueled by a mix of selflessness and self-interest among donors who gave a kidney to a stranger after learning they could not donate to a loved one because of incompatible blood types of antibodies” (Sack, “60 Lives”). The initial “altruistic” choice is indisputable, since altruism is certainly possible among close family and friends. The chain, however, was perpetuated by the reciprocity norm: a person was willing to give a kidney if and only if another person was willing. Each person’s expectations of donation were mutually dependent upon the others’ expectations. The interdependencies of their decisions created conditional preferences to donate. Thus, donation was no longer for individual, altruistic preferences, but for conditional preferences.

Thus, there is a tradeoff between freedom to choose and achieving the optimal level of a public good. The case of organ donation raises concerns over the extent of society and the state’s inducement of a pro-social decision. A high rate of donation is undoubtedly a worthy goal, especially in light of the long waiting lists for transplant patients. Yet is the social-optimal level of donations worth expending liberty and rationality? Is it just or desirable for society and the state to encourage non-choice? More significantly, can society aptly call those who donate through default—through a non-choice—altruistic?

The Consequences of Banal Behavior

The cases of social phenomena with negative externalities—FGM/C and foot-binding—and the cases of social phenomena with positive externalities—voting and organ donation—are all cases of banal behavior. These decisions are behavior rather than action because they are not based on endogenously defined preferences—the individuals are not agents of their own self-law. The decisions are banal because they are not grounded in evil or altruistic motivations. In fact, they are not based on individual preferences at all, but on social preferences, conditional upon the empirical and normative expectations of others' actions. The interdependency of decisions renders them non-choices. The behavior is banal in the lack of uniqueness, its absence of individuality, its dearth of natality. Without an altruistic motive for pro-social behavior, a banality of goodness results. Without an evil motive for anti-social behavior, a banality of evil results. The banality is based on a lack of thought, the absence of motivation, and the misdirection of the will. But what are the consequences of this banality?

First, banal behavior has implications for assigning responsibility. Choice is inextricably linked to personal responsibility. Eleanor Roosevelt said, "We shape our lives and we shape ourselves...And the choices we make are ultimately our own responsibility" (Greenfield 7). The link between choice and responsibility for the consequences of those decisions is ingrained in political theory, the legal system, and in advertising (Greenfield 9). It comes in two flavors, according to Greenfield. On one hand, a choice makes a person responsible for the consequences of his own actions. The criminal code, for example, distinguishes between murder and manslaughter based on the level of intent. When killing is a choice, it warrants more severe punishment; when killing is not intentional prior to the act, it is afforded reduced sentencing. On the other hand, a choice is a personal responsibility in and of itself. The choice to wear a helmet while riding a motorcycle, for instance, affords the personal responsibility of assuming the risks associated with that decision. Both choice as responsibility and choice as costs are leveraged for political gain—either to shift the burden of blame onto the state or onto the individual.

But if our choices are constrained—by our psychology, the state, and society—then the link between assigning responsibility to individual decisions becomes tenuous. Given these constraints, can we appropriately assign the corresponding costs to an individual's poor choice? Society recognizes that when choices are limited, individuals should not bear the full costs of their actions. Such was the case during Hurricane Katrina, as only 22% found the individuals living in the devastated neighborhoods were fully to blame for their situations (Greenfield 16). In this case, citizens

judged the victims as not fully responsible for their circumstances because their choices were limited. As such, they diffused the responsibility among many, including the state and local governments, charitable organizations, and Nature herself.

The diffusion of responsibility occurs frequently in society: employers take responsibility for certain risks for their employees; insurance companies take on the responsibility of the risks of natural disasters; and the government assumes the responsibility for its citizens' damage to national infrastructure. Yet it is a fallacy to point to the last person in the chain of choices for bearing full responsibility of any action. While Hitler is the person symbolically blamed for the Holocaust, many others, including bureaucrats like Eichmann and bystanders in the community share the blame. As Greenfield notes, "Many events have multiple causes and influences, and the responsibility for creating them is dispersed. Sometimes responsibility is shared" (158). However, acknowledging that multiple actors sometimes share blame, choices can nevertheless only come from individuals. As Arendt says, "There is no such thing as collective guilt or collective innocence; guilt and innocence make sense only if applied to individuals" (Responsibility and Judgment 29). What happens, then, if individuals' decisions are not choices, but non-choices dictated by society? If individuals are not choosing their actions, then they cannot be fully responsible for the consequences. Given the host of constraints and the inescapable presence of social norms, individuals may never be fully responsible for their actions. This leads to an irresolvable dilemma in the theory of banal behavior of assigning responsibility to non-choices. While not a conclusive answer, I believe the best approach to resolving this dilemma is to assign responsibility to individuals, while recognizing where others are to blame, including limiting institutions and circumstances. If responsibility diffuses to the point that every crime and every poor decision is attributed to "society," individuals would lose all sense of self-worth and anarchy may ensue without the possibility for law and order. At the core of responsibility, after all, is a respect for oneself. Blaming society only degrades a human to a laboring, unthinking member of the herd.

Another result of the theory is the explanatory power of incomprehensible acts. For Kant, those who are tempted to do wrong by following their motives are radically evil. Indeed, this theory of choice does not eliminate the possibility of choices guided by genuine evil or altruism. On March 11, 2012, U.S. Staff Sgt. Robert Bales allegedly shot and killed 16 civilians in Afghanistan, 9 of whom were children. Theories of why he would kill abound. Some attributed his actions to a psychological trauma caused by four tours in Afghanistan (Dao, "At Home"). Others, including

columnist David Brooks, attributed the massacre to genuinely evil motives: “even people who contain reservoirs of compassion and neighborliness also possess a latent potential to commit murder.” Brooks contends that it is human nature to kill, as “we’re natural-born killers and the real question is not what makes people kill but what prevents them from doing so” (Brooks, “When the Good Do Bad”). I am not qualified to determine what motivated Bales’ rampage; rather, the news commentary serves as evidence that most want to attribute a radically evil motive or psychological disturbance to the tragedy. The theory of non-choice offers a third explanation for such evil consequences. Rather than emotional motives causing evil, a simple counter-preferential decision or a decision without thought can cause harm. On a larger scale, these non-choices can become a coercive force on free will, perpetuating an evil throughout a population.

On the other hand, one surprising consequence of the theory of banal behavior is that good results can result from non-choices. Just as Eichmann wasn’t motivated to kill in a Hannibal Lecter sense of evil, individuals need not be motivated by the goodness of their hearts to promote social welfare. Lacking altruistic motivations, however, may be disheartening to readers. Individuals desire to attribute good motives to good actions, since it paints a rosy picture of humanity. Realizing that an action is undertaken for ulterior purposes taints the outcome’s goodness. For instance, we discount a salesperson’s compliment, since we know it may be given disingenuously to encourage purchases. One could argue that motives should not matter for good outcomes. Should I care whether a neighbor votes for the “right reasons” of civic duty or for the sake of appearances? Society benefits by the action whatever the motivation.

My preference for altruism may be an additional example of a “nosy preference,” or a preference I fallaciously hold over another person’s preferences. Nosy preferences undoubtedly lead to inefficient outcomes—perhaps crowding out potentially beneficial actions through my preference for an altruistic motivation behind the good effect. One manifestation of nosy preferences is the disdain of markets for goods that are typically donated—presumably from altruistic motivations. Alvin Roth finds that repugnance for certain types of transactions are a constraint on markets. Alongside other examples like the ban on eating horse meat in California, Roth says, “The laws against buying or selling kidneys reflect a reasonably widespread repugnance, and this repugnance may make it difficult for arguments that focus only on the gains from trade to make headway in changing these laws” (37). Roth notes that individuals are repulsed over buying and selling organs, but tolerant of transactions that leverage the norm of reciprocity, such as kidney exchange programs. I agree that repugnance

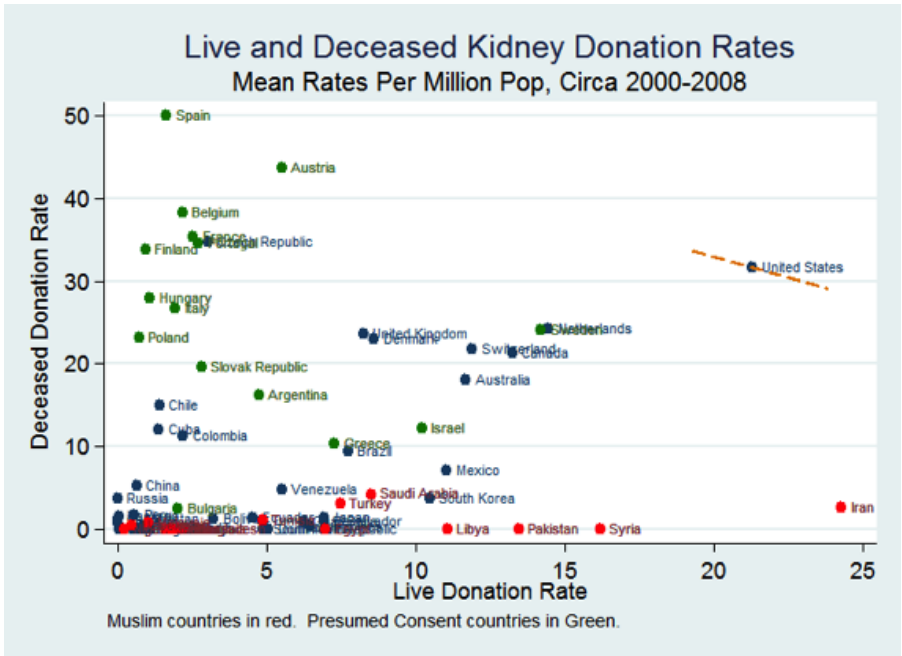
plays a role in limiting markets for scarce goods, but I disagree that it is the only cause. Rather, the preference for “in-kind” exchanges indicates a preference for altruism. The banality of goodness complicates the myth of altruistic donations. Recognizing the limits to altruistic actions, and the genuine banality in many positive actions, may create an opening for “repugnant” markets. If individuals find that good motives are not behind good donations, then perhaps they would not find markets for scarce goods as distasteful as before.

Opening up the opportunity to monetize goods that were previously based in altruistic donations has tremendous consequences for choice. Greenfield notes that Rab Nawas, a farmer in Pakistan, was indebted to his landlord and had only two valuables: his children and his kidneys. His decision to sell one of his kidneys—not for altruistic purposes, but for monetary reasons—undoubtedly helped someone in Europe, Australia, or the United States who was willing to pay (Greenfield 137). A preference for altruism would have limited this choice at both ends—limiting Nawas’ decision to sell his organ and limiting the willing patient’s ability to purchase the organ. The nosy preference for altruism would have left both worse off: Nawas would have remained impoverished and the patient would have remained on the long donor list, assuming his survival. Nawas’ choice is not an isolated example, either, as the World Health Organization estimates that one fifth of all kidneys transplanted worldwide come from a black market rather than a charitable donation (Greenfield 137). While Nawas’ decision was a choice, rather than a banal non-choice, it nonetheless illustrates that our preference for altruistic choices may be misguided. The banality of goodness may not be as horrible a consequence after all.

In the same vein of thought, leveraging the banality of goodness to promote pro-social consequences may be counterproductive. Specifically, practitioners who attempt to make good actions the default decision—transforming a choice into a non-choice—may “crowd out” genuinely altruistic actors or create a backlash. In Brazil, for instance, the switch to presumed consent from an opt-in method of organ donations led to public outcry and lower donation rates, forcing the country to switch back to the non-default option. People didn’t seem to like when they were induced by the state to act altruistically. On a larger scale, there appears to be a negative relationship between inducements of deceased donations through state policies and live donation rates. The following chart illustrates the clear negative relationship between deceased and live donation rate, indicating a possible “crowding out” of altruistic, live donors when deceased default mechanisms are in place. The countries with presumed consent (green) also display a negative correlation between the two types of donations, suggesting

that altruistic, live donations decrease as individuals are induced to donate upon death:

Live and Deceased Kidney Donation Rates



(Tabarrok, “Presumed Consent and Organ Donation”)

This negative relationship between live and deceased donations may indicate that a “crowding out” of altruism occurs when states attempt to induce donation through various default mechanisms. Jason Dana warns against this interpretation, arguing that because the countries with defaults were getting so few live donors, they were forced to choose a default mechanism. He goes on to say that, “It could even be that these countries have less marriage and population growth, and it is mostly family ties that guilt people into donating one of their kidneys while alive” (Dana, “Presumed Consent and Organ Donation”). Even if altruism is not crowded out in these countries, the possibility leads to a worrisome philosophical implication: if we begin to recognize the banality of goodness and attempt to leverage it for the “good of society,” are we risking crowding out genuine altruism? Will society no longer recognize altruism as genuine when it in fact is, allowing

cynicism to override the possibility of genuine human goodness?

The graph of organ donations points to another implication of banal behavior and non-choice: the role of culture in limiting and influencing our decisions. Culture matters for the rates of organ donation, clearly evidenced by the wide variations of donation rates by country (Dana, "Presumed Consent and Organ Donation"). Both the classical and behavioral model focus on the limitations of the state and psychology, neglecting society as another limiting agent, but culture matters for individual choice. Cultural influences are hard to recognize, since they pervade all aspects of life, from gender roles to religious mores (Greenfield 3). Greenfield writes:

If I am correct in arguing that deeply embedded cultural assumptions and biases influence us in ways we hardly recognize, then we should worry a great deal if the culture around us bombards us with messages that do not correspond with what we would believe is we considered things from a distance. The task for us is to identify the elements of culture that have these influences (91).

Greenfield notes a host of cultural influences on choice, many of which link to the aforementioned paradoxical social phenomenon: patriotism and nationalism partially explains voting norms; religiosity and gender roles help to explain FGM/C; religiosity and consumerism are at play in organ donation rates; and sexuality and gender roles help explain foot-binding. This study enhances the classical and behavioral models by including society as an additional constraint on free choice.

Most significantly, culture is self-reinforcing, encouraging conformity to behavioral rules and coercing individuals to make counter-preferential decisions. Alexis de Tocqueville wrote of the "soft despotism" in democracies and the implications of despotism in *Democracy in America*:

I see an innumerable multitude of men, alike and equal, who turn about without repose in order to procure for themselves petty and vulgar pleasures with which they fill their souls. Each of them, withdrawn apart, is a virtual stranger, unaware of the fate of the others: his children and his particular friends form for him the entirety of the human race; as for his fellow citizens, he is beside them but he sees them not; he touches them and senses them not; he exists only in himself and for himself alone, and, if he still has a family, one could say at least that he no longer has a fatherland.

Over these is elevated an immense, tutelary power, which takes sole charge of assuring their enjoyment and of watching over their fate. It is absolute,

attentive to detail, regular, provident, and gentle...It works willingly for their happiness, but it wishes to be the only agent and the sole arbiter of that happiness. It provides for their security, foresees and supplies their needs, guides them in the principal affairs, directs their industry, regulates their testaments, divides their inheritances. Can it not relieve them entirely of the trouble of thinking and of the effort associated with living? In this fashion, every day, it renders the employment of free will less useful and more rare; it confines the action of the will within a smaller space, and bit by bit it steals from each citizen the use of that which is his own [Emphasis added] (Tocqueville 187–88).

Tocqueville's words touch upon the theory of social norms as non-choices. Individuals in society are strangers to one another—they act only according to their immediate self-interest. Yet, their actions have tremendous implications on one another by creating an “immense, tutelary power” of social norms. These norms subvert individual free will, relieving the individual of the “trouble of thinking” by directing them to the correct behavioral rule. Individuals no longer need to think to decide; rather, they look to society to choose for them. Just as behavioral economics points to the mental crutches of psychological heuristics, the theory of banal behavior points to the additional crutch of social norms to guide decisions. The logical implication of an over-reliance on society to guide behavior, according to Tocqueville, is that free will fits within a smaller space.

Most importantly, the thing “stolen from each citizen” from an increasingly constrained free will is the prospect of an individual, unique choice. If Albert Camus is correct in saying that “life is the sum of all of your choices,” then free choice is the essence of individuality. As William Jennings Bryan observed, “destiny is not a matter of chance, it is a matter of choice” (Greenfield 7). If most of our behavior is dependent upon others' actions, then can we be distinct individuals in the herd of society? If we continue to place conforming to society on a higher platform than unique decisions, then how can our choices reflect who we truly are? Excess banal behavior, without moments of genuine free choice, may in fact turn society into an innumerable multitude, alike and equal.

Redeeming Choice

Both the classical and behavioral models fall short of sufficiently explaining paradoxical social phenomena. The assumption of perfect rationality in the classical model clashes with the descriptive account of irrationality in behavioral economics. I reject that individuals must be either perfect decision-makers or irrational fools. The concept of non-choice offers

a more satisfying explanation to paradoxical social phenomena. Individuals are no longer irrational or naïve when they act against their self-interest or preferences, but following society's behavioral script for their behavior. The presence of social norms more adequately describes behavioral paradoxes such as voting and incomprehensible actions such as FGM/C.

In addition, neither the classical or behavioral theories provide adequate normative guidance to decision-making. While the behavioral model certainly expanded upon the classical model by offering a more accurate account of human decision-making, it did not offer any normative advice for how all individuals can avoid acting irrationally without elite education. Moreover, individuals in the behavioral model are entirely un-free—completely constrained by choice architecture. If freedom is the centerpiece of democratic functioning, then individuals must be offered normative guidance for how to realize their capacity for free choice.

In society, Greenfield says, “we’re fish that need to discover the water. If we do, some of the power that cultural norms have on our decision making may evaporate” (91). His normative guidance to redeeming choice is fourfold: a person must recognize the power of the situation, acknowledge irrationalities, be mindful of habits, and cultivate an awareness of cultural influence. I believe the underlying mechanism beneath these prescriptions, and the proper mechanism for “discovering the water,” is courage and thought.

Counter-preferential non-choices may be the cause of great evil. Conformity becomes the motivation for action rather than acting according to a self-determined preference. The most classic excuse for a child disobeying rules is “but everyone else was doing it!” There is a long historical trend of linking hypocrisy to morality. Arendt says the Socratic condition under which we are prevented from doing wrong is “the condition of not being at odds with ourselves even though this might mean to be at odds with the whole world” (Responsibility and Judgment 122). Dostoevsky in *The Brothers Karamazov* writes that for Dmitri K. to win salvation, he must never lie to himself. Similarly, for Kant, moral conduct depends upon man not contradicting himself by making an exception in his own favor. Arendt writes, “Morally speaking, this should be enough not only to enable him to tell right from wrong, but also to do right and avoid wrong” (Responsibility and Judgment 67). Thus, man has a duty to himself before duties to others. The normative advice to avoid counter-preferential non-choices is simply to recognize your preferences and act upon them. Do not act for the sake of others, but for your own sake. This takes courage to act against the fray, but is necessary to avoid the hypocrisy that is the root of evil consequences caused by non-choices.

Non-choices caused by a lack of thought are equally dangerous; if we are unaware of the consequences of our decisions, then we are unable to guard against evil acts. As Arendt shows, thinking is no small feat. I want to highlight what I believe is the most difficult aspect of thought: its solitary nature. Solitude brings quiet, a condition necessary to escape the noise of society and to think for oneself. For Aristotle, “The distinction between quiet and unquiet... is like the distinction between war and peace: just as war takes place for the sake of peace, thus every kind of activity, even the process of mere thought must culminate in the absolute quiet of contemplation” (Arendt, *The Human Condition* 15).

Society creates the noise that interrupts the peace required to think. Never before has this condition been so difficult to obtain. According to the Bureau of Labor Statistics’ American Time Use Survey (2011), each day the average American spends 8.2/7.8 hours on work (for women and men, respectively), 2.6/2.1 hours on household activities (for women and men, respectively), and 2.7 hours watching TV. Significantly, the time spent on leisure activities that included computers or video games varied widely by age: those age 75 and over spent 1.1 hours reading and only 18 minutes on electronic leisure activities, while individuals ages 15 to 19 read for an average of 6 minutes and spent 1.1 hours on electronic entertainment (Bureau of Labor Statistics, “Time Use Survey”). With all of these forms of distraction—work, household labor, TV, and computers—it is not an unreasonable conclusion to say that people spend little time simply thinking. In fact, the survey measured that Americans spend on average .28 hours each weekday and .34 each weekend thinking/relaxing. This time also varied widely by age, as those ages 75 and over spent .64 hours each day relaxing/thinking, while those ages 15 to 19 spent only .11 hours each weekday (Bureau of Labor Statistics, “Table 11”). The negative relationship between thinking and using electronics is clear: those older Americans who used fewer electronics had more time to think, while younger Americans who used more electronics had less time to think (See Appendix D). If thinking is valuable for proper decision-making and essential for choice, then Americans who value the “American Dream,” which is rooted in the principles of free choice, should be alarmed. The normative solution to redeeming free choice in our democratic society, founded on the “consent of the governed,” is to spend more time thinking. The data points to one specific piece of advice toward this end: put down the iPhone, the iPad, and the iMac. One cannot think with the noise of social media streaming from multiple sources—it declares war on the solitude of rationality.

Letting go of electronics, just like thinking itself, feels unnatural and will take discipline. However, the benefits of taking the time and quiet

space to think are too numerous to enumerate. Three specific beneficial consequences of thinking are of note. First, thought prepares the individual to realize her choice in action. It does so by striking roots in memories, generating preferences, and discerning the proper method of action. Without these preparatory features, actions are rendered automated. They are not human action, but animal behavior. Second, thought conditions humans against evildoing and predisposes them to altruism by striking roots in emotions and memories among fellow human beings. Arendt says, “The very word conscience, at any rate, points in this direction insofar as it means ‘to know with and by myself,’ a kind of knowledge that is actualized in every thinking process” (Responsibility and Judgment 160-161). Because action is always in the presence of others, someone can never transcend this world of man-made things and other beings when in action. This is a necessary condition of action, since “things and men form the environment for each of man’s activities, which would be pointless without such location” (The Human Condition 22). Thus, connecting through actions is limited to the people directly affected by the action. Thinking is the only activity that is capable of transcending the physical world, thereby creating the possibility of infinite connections to others. Thinking on abstractions and intangibles creates intellectual connections among people. After all, the love and sorrow I experience are uniquely my own, but are nonetheless shared experiences among all humans since the dawn of time. Thinking on these shared experiences guards against my decision to cause harm to others, and encourages me to act altruistically through our shared intellectual connections. While action creates the condition for remembrance, thinking is the process of remembering, striking roots with our fellow beings (Arendt, The Human Condition 9).

Finally, while thinking connects, it also distinguishes humans from one another. Despite the tremendous pressure to conform in society, an individual always retains the free space of thought. Whatever her outward actions and statements of beliefs, she is always capable of privately holding differing principles. This capacity for free thought makes each human unique, as no thought can be replicated by another. Even if an individual becomes an automated member of the herd—continually making non-choices and engaging in banal behavior—she retains her uniqueness of thought. For these reasons, I agree with Arendt that, the “highest and perhaps purest activity of which men are capable is the activity of thinking” (The Human Condition 3). Choice is not choice without thought.

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