

Summaries

Justitiële verkenningen (Judicial explorations) is published six times a year by the Research and Documentation Centre of the Dutch Ministry of Security and Justice in cooperation with Boom Lemma uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 4, 2014) is *Soft coercion as a tool for influencing behaviour*.

Mind politics: Understanding nudging in security, health and social policy

R. Peeters and M. Schuilenburg

For centuries, governments have tried to exert influence on civil behaviour. Sanctions, taxes, subsidies and communication are commonly identified as the classic tools of governmental power. However, governing contemporary societies, characterised by little control and many temptations for deviant behaviour, requires new innovative instruments. One of the most prominent instruments is ‘nudging’. According to its proponents, nudging citizens towards responsible behaviour is a fitting addition to the intervention repertoire of liberal governments. Based on an analysis of nudging techniques in Dutch security, health and social policy, we show that the goal of ‘libertarian paternalism’ is only met under very specific circumstances. We argue that nudging should be understood as an extension of Foucaultian ‘biopolitics’, albeit with one crucial difference: instead of working upon the human body, nudging is a form of ‘mind politics’ which works upon the psychological triggers underlying human behaviour and choice.

First aid for emancipation: why we need nudging

G. van Oenen

Both the traditional liberal view of freedom as absence of paternalist state interference and the nonliberal Foucaultian analysis of modern governmentality as fully consisting of behavioural management cannot provide an adequate explanation or justification of the popularity of nudging. Alternatively, the theory of interactive metal fatigue shows why nudging is neither paternalist nor managerial; it is better under-

stood as a much-needed and very contemporary way of assisting the modern individual who is no longer able to carry the full burden of his own emancipation. Nudging is thus found unobjectionable, and even beneficial, as long as it enables individuals to act in accordance with the emancipatory norms they themselves adhere to, but not always manage to act on, due to interactive mental fatigue.

Diet and possible applications in the prediction and modification of behaviour

A. Zaalberg

Recent research shows that behaviour is not only influenced by the psychosocial environment, but can also – partially – be explained by the biology in humans. In this paper dietary phenomena are explored. Data from large prospective cohort studies show that dietary patterns are associated with intelligence, school achievement and behavioural problems in children. Furthermore, detrimental behavioural effects of food insecurity, in severe cases hunger, are suggested by recent research. Sugar gets special attention in this paper. Contrary to common knowledge, sugar doesn't seem to have a negative impact on behaviour. On the other hand, research suggests that glucose metabolism might explain aspects of impulsive aggressive behaviour. It might be possible to make prediction of future aggressive behaviour, using data from glucose metabolism. Finally experimental studies suggest that dietary modification is causally linked to behavioural improvement in offenders and people suffering from a variety of mental problems.

Reducing social aggression with dynamic lighting. The De-escalate project in Eindhoven

A. Haans and Y.A.W. de Kort

There are numerous situations in which human behavior may escalate; in which persons lose self-control, get abusive, aggressive, and cross behavioral boundaries they would normally not cross. Such situations may occur in crowded outdoor situations (public events, urban night life) as well as in small-scale indoor settings (prisons, service & help desks, psychiatric wards). The De-escalate project studies the utilization of dynamic lighting in preventing escalation and in defusing aggressive situations. In De-escalate, Eindhoven University of Technology cooperates with governmental and non-profit organiza-

tions, and commercial partners to develop and test mechanisms for de-escalation through light, for example, by lowering arousal, inducing positive mood, broadening attention, increasing self-awareness and self-control. The project aims to broaden our understanding of the effects of light in controlled laboratory studies, and will develop and test methods of de-escalation through light in situ; in two escalation-prone real life settings including Eindhoven's inner-city entertainment area Stratumseind.

Analysing rule compliance with the Willing-Being Able-Daring framework

H. Elffers

The 'Willing-Being Able-Daring' (WBAD) framework for analysing rule compliance is introduced and explained. It models rule transgression as the result of climbing a three step staircase: people first have to form a will to not-comply, then see whether they can find an opportunity to transgress the rule without being caught for certain, and finally have to decide to take the risk, facing the consequences of being caught and issued an informal or formal reaction in terms of social disapproval or juridical prosecution. The WBAD framework proposes to identify which of these steps is (too) low, using expert meetings or surveys. It advocates to ponder on ways to increase the heights of the steps. It is claimed that the approach is simpler and hence more parsimonious than the Table-of-Eleven-approach commonly used in The Netherlands. The approach is illustrated with an example from the realm of tax compliance. The article concludes with sketching a perspective when to apply WBAD.