1 – Introduction: Into the Choice Box

We spend large swaths of our lives choosing from a limited menu of structured options that other people have meticulously designed and curated.

I am not referring to the seemingly endless life decisions we all have to make in a modern society, like whether or not we should marry that guy, quit our job or go for a hike. It is true that these kinds of choices are always shaped by, among many other things, the opportunities we were given, the people we happened to meet, the places we were born, the policies our governments enacted, the amount of money in our bank accounts or the color of our skin. But the multitudes of amorphous options still available for us to choose from in these instances do not have designers who already planned and determined the horizon of possible choices. No one deliberately decided which options would be presented to us to choose from in these life moments, or which would be taken off the proverbial table. What is more, these kinds of life choices are not being methodically recorded and tracked, to see how we respond to specific changes made to the controlled "choice environment" since the last time we picked between a few prearranged possibilities. Nor is anyone then using our own choice data to try and predict and control our future choosing behavior by adjusting the choice design so as to funnel us down certain predetermined paths. We also don't receive numbered scores or letter grades when we make these kinds of unstructured life choices (and thank God for that!), nor can they be used to numerically rank us into hierarchies, sort us into piles or segregate us into groups. In short, while there are certainly powerful historical, political, social, economic, geographical and cultural forces structuring our everyday agency and autonomy and thus also shaping the various life paths from which we must choose our own way, they are precisely that – "forces." Messy, contingent, fluid, contradictory, nebulous. This book is about a very different set of choices. The kind that hardly existed at all before the turn of the twentieth century and yet now dominate us more and more each year. The kind of choices that have architects.

In this book, I will often refer to such structured and curated choice sets as "choice boxes." I find this metaphor fruitful because it gets at the tension that is inherent in any menued form of designed choice. On the one hand, you are presented with at least two options and given the opportunity to make a very real choice. On the other hand, you have been neatly "boxed" in by the rules, parameters and boundaries set by the choice architect who designed the choice set. You are given a choice, but always on someone else's terms. You are at liberty to choose between the alternative options on display, but anything else is off limits. You are given the agency to choose one path over another, but the forked contours and final destinations of all the paths have already been determined by the choice architect. In this regard, it is sometimes helpful to think of choice boxes like a maze - one of the earliest and most influential choice architectures in history, as we shall soon see in chapter two. Or, if you happen to be a child of the 1980s or 1990s, you can think of choice boxes, as I do in chapter six, like Choose-Your-Own-Adventure books. In both instances you might be free, in a very limited sense, to make some highly constrained choices like turning left in the maze or to page 27 to fight the vampire, but you are not the trailblazer of your own path or the author of your own story. Someone else is. Inside a choice box, the choices we make are very real, but our freedom is nevertheless somewhat illusory.

What are some real-life examples of a choice box? Let's begin with our lives online, since this is where we now spend most of our time in choice boxes – except perhaps for when we are in grade school and are forced to take a mind-numbing amount of multiple choice tests. Every time you run a search query on Google, or shop for something on Amazon, you are presented with a list of carefully placed options from which you can click and choose from. That's a choice box. (Only about 0.63 percent of Google users ever move to the second search page.[1]) Every time you log on to YouTube or Netflix and choose from a curated collage of thumbnails, you've entered into a choice box, albeit a slightly less insulated one. (70 to 80 percent of views on these platforms come from such "recommendations."[2]) Every

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[1] https://backlinko.com/google-ctr-stats

[2] Dylan Love, "Netflix's Recommendation Engine Drives 75% Of Viewership," Business Insider, accessed September 26, 2024, https://www.businessinsider.com/netflixs-recommendation-engine-drives-75-of-viewership-2012-4.Muhammad Haroon et al., "Auditing YouTube's Recommendation System for Ideologically Congenial, Extreme, and

time you swipe right or left on a dating app, you're in a choice box. Did you take a Buzzfeed quiz on "Which Character You'd be in a Rom-Com?" That questionnaire was a choice box. (I came out a "hot mess.") Every time you choose to express your feelings from a menu of emojis, or make a binary decision between a thumbs up or a thumbs down, you are in a choice box. Every time you give your Uber driver a star rating, you are choosing between one of five standardized options on a scale – that too is a choice box. So is that screen of assorted smiley and frowny faces you might be tempted to tap as you angrily leave a public restroom with no toilet paper. Every time you log on to your 401k app and choose from a menu of different mutual funds or financial plans, you are in a choice box. Even sports have been menufied of late with the explosion of online gambling. Took the over instead of the under on DraftKings? Yep, that's a choice box.

Since the internet is now dominated by just a handful of for-profit platforms, most of the architects of these digital choice boxes are big corporations. But choice architecture is not only a product of the private sector. One of the most ambitious government programs of the past two decades has been healthcare.gov, an insurance exchange website operated by the U.S. federal government that allows you to choose a private healthcare plan from a menu of subsidized alternatives. When Democrats originally tried to pass a major healthcare bill in the early 1990s, insurance companies warned voters that it would take away their "freedom of choice."[3] These scare tactics apparently worked since, in the end, Americans might not have gotten single payer healthcare, socialized medicine, or Medicare-for-All like most of the industrialized world - but they definitely got another choice box. Data generated from online choice boxes are also used by the U.S. government to determine the monetary value of practically anything that is not bought and sold in the market – including the environment. Known as "choice experiments," these online surveys usually require a sampled group of Americans to choose - from a carefully designed menu of options and prices - how much they would be willing to pay to save an endangered species, enjoy a hike in the woods or avoid a massive oil spill. The data culled from these

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Problematic Recommendations," *Proceedings of the National Academy of Sciences* 120, no. 50 (December 12, 2023): e2213020120,

[3] Elizabeth Kolbert, "New Arena For Campaign Ads: Health Care" *New York Times*, October 21st 1993

choice boxes are then used in determining court damages, government investments and federal regulations. Below is a sample choice set from a typical choice experiment designed to determine the monetary value of saving three threatened or endangered species.

As in the previous question, please compare Options A, B, and C in this table and select the option you most prefer.

Remember that any money you spend on these options is money that could be spent on other things.

Expected result in 50 years for each option

	Option A No additional protection actions	**Option B** Additional protection actions	**Option C** Additional protection actions
Wild Puget Sound Chinook salmon ESA status	Threatened	Recovered	Threatened
Smalltooth sawfish ESA status	Endangered	Endangered	Threatened
Hawaiian monk seal ESA status	Endangered	Threatened	Recovered
Cost per year Added cost to your household each year for 10 years	$0	$50	$30
Which option do you prefer?	○	○	○

This particular choice experiment set the price of saving the Chinook Salmon at $47 per year, the Smalltooth Sawfish at $53 per year and the Hawaiian Monk Seal at $68 per year. Let's hope these species never find out that saving the Spotted Owl went for more than double ($138 per year). [4]

In short, whether you find yourself shopping, learning, dating, emoting, investing, stanning, moving, gambling, vegging out, pricing monk seals or purchasing Obamacare – there is a good chance that, unless you've been living in a wifi-less cave these past thirty years, many

[4] Kristy Wallmo and Daniel K. Lew, "Valuing Improvements to Threatened and Endangered Marine Species: An Application of Stated Preference Choice Experiments," *Journal of Environmental Management* 92, no. 7 (July 1, 2011): 1793–1801

aspects of your everyday life are now taking place deep inside a choice box. But this is not the only way choice boxes effect our day-to-day lives and routines. Since everyone else is *also* spending much of their time in a choice box, we are not only the ones doing the choosing but also the ones being heavily impacted by other people's structured choices. Examples in this book of such phenomenon include anxiety ridden tweens obsessing over the number of likes they just got on that selfie, the waitress at Olive Garden who had to be extra polite to creepy customers because she was constantly being rated on Ziosk's table tablets, or the African-American family whose home values dropped after Zillow's school ratings (based on those ubiquitous multiple choice bubble tests) started steering people away from their neighborhood. In many cases, the data generated by other people's choice boxes has become our modern day "whips" – as they discipline and control our behavior, especially in the workplace. But this data has also become our go-to "mirrors," seemingly reflecting back to us our quantified popularity, talent or level of hotness. We often trust multiple choice quizzes or questionnaires to reveal our personality, preferences or IQ. As a result, choice boxes have become incisive (and at times quite devastating) arbiters of our self-esteem and self-worth. After all, the neat and tidy numerical scores that choice boxes affix to us are just the objective and scientific aggregation of people's free, unadulterated, individual choices – right? (Wrong.)

Most choice boxes are entered into alone. As such, they often have the knack for making both the choice architects and their choosing subjects feel as if the decisions made within its isolated walls have somehow been quarantined off from outside pressures, social processes or historical forces and can thus reveal the individual's "true" self through their "free" choices. This intoxicating act of individualization often turns social and historical narratives and explanations into private and personal ones. Inside choice boxes, it appears as if people never choose badly because their society (or their choice architects) offered them only bad options. No, if something goes wrong it's on the individual because they were given a choice. "This book is different from other books," exclaimed the warning that opened most *Choose Your Own Adventure* books in the early 1980s. "You and YOU ALONE are in charge of what happens in this story." This was false. The choice designing authors had already determined all possible paths and endings. But since young readers were given an interactive choice, they rarely questioned this rationale.

Americans today log more screen time than they do sleep, spending over seven hours a day engaging with electronic content.[5] Much of this time is spent as isolated individuals alone on their glowing screens, scrolling through seemingly endless menus of structured choice, clicking, liking or swiping when one option or another catches their glazed eyes. Like other forms of interactive gamification, choosing from a given set of options is often comforting, empowering and addicting - and it keeps us glued to the screen for hours on end. Yet in all of the online choice boxes listed above, your only form of expression is to pick or, in most digital instances, to click. This is a crucial characteristic of choice boxes. You are always given a choice, but almost never a voice. The oft-overlooked computer mouse (and, later, the touch screen) have played a central role in the choice boxing of everyday life as silent mouse clicks and screen taps have come to replace the typed, written or voiced words as the dominant input and most coveted currency of contemporary platform capitalism.

That our agency inside these choice boxes is whittled down to lightly pressing down on a button or screen has had major consequences on our everyday lives. Outside the confines of the choice box, where the range of possibilities for how people act is immense if not infinite, it is incredibly difficult to predict human behavior, let alone control it. The real world is just too messy and the options for action are just too great. But inside the choice box, we become constrained, flattened, superficial, shadow versions of our complex selves. This not only makes life in the choice box far more stifling, since our only course of action is a rather inexpressive clicking between a number of limited options, it also makes life in the choice box far more predictable. For the architects who designed the choice box, this is where the real power (and money) often lies. As psychologist John B. Watson - father of radical behaviorism and the rat maze – recognized over a century ago, behavioral prediction begets behavioral control. If a choice architect who has complete control over a choice environment can reasonably predict how somebody is going to choose from a certain set of

[5] https://backlinko.com/screen-time-statistics

curated options, they can often shape the choice sets in such a way that will funnel people down their desired paths. Whoever controls the choice box, therefore, has the potential to control whoever is inside it just by how they construct, arrange and curate the choices, all the while providing the chooser with the feeling that they are in the driver's seat.

While there is some overlap, this is not the same argument that is often heard in regard to the rise of "surveillance capitalism."[6] Such approaches tend to emphasize how Big Tech can predict our behavior in large part because they have extracted enormous reams of data on our personal wants, inner desires and individual preferences. Companies like Google, the argument goes, know you better than you know yourself and thus make their money by offering up targeted, personalized page results with a high probability that you will click on them. Be they celebratory or critical accounts of digital capitalism, the focus tends to remain on personal data, which is often reconceived as a "raw material," "capital" or "new gold." In focusing on data monitoring and extraction, however, these accounts usually do not stress the basic fact that the immense power of these platforms stems not simply from their collection of personal data but, as sociologists have recently argued, from the fact that they "structure the rules and parameters of action" …"by having a designed core architecture that governs the interaction possibilities." If we take Google as a classic example, while it is true that their platform uses enormous amounts of personalized data to try and figure out which link you will most likely click on, this is hardly the only criteria that determines where Google's search engine will lead you. In fact, even more influential than your own data is Google's pay-to-display ad auction and other economic interests (it's hardly a coincidence that the most common result in Google search is… Google) which greatly determine the menu of links you will be presented. These crucial curatorial decisions are based not on your data-mined personal preferences, but rather Google's desire for profit maximization.[7]

[6] Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (Profile Books, 2019). Bruce Schneier, *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World* (W. W. Norton & Company, 2015). Ari Ezra Waldman, *Industry Unbound: The Inside Story of Privacy, Data, and Corporate Power* (Cambridge University Press, 2021). Carissa Véliz, *Privacy Is Power: Why and How You Should Take Back Control of Your Data* (Random House, 2020).V

[7] John Zysman and Martin Kenney, "The next Phase in the Digital Revolution: Intelligent Tools, Platforms, Growth, Employment," *Communications of the ACM* 61 (January 23, 2018): 54–63, Nick Srnicek, *Platform Capitalism* (Polity Press, 2016).

While some scholars of surveillance capitalism try and address the ability of these surveillance systems to not only predict but modify our behavior, in stressing the extraction of personal data they often end up making either the implicit or explicit claim that while these online platforms might be invading our privacy, in the end they are simply giving us what we wanted. By centering their analysis around the collection of personalized data, these accounts often have to make a narrative leap from surveillance to control. What is more, such an emphasis on data extraction has tended to shift the regulatory and policy focus away from these platforms' structural *power* over our lives and more towards people's *rights* to know what personal information is being collected on them. If I were a Google, Apple, Amazon or Facebook, I'd be relatively pleased with this outcome. A few "pop-up" yes/no consent forms about cookie and data use (another kind of choice box) and these corporations are legally in the clear with little to no constraints.

While I am not doubting that data privacy is a very important issue, this book focuses more on the very direct, albeit subtle, ways in which choice architects shape, influence, manipulate, or modify our behavior for their own goals, interests or benefit. What is more, choice architects like Google or Amazon are also not simply "giving you what you want" based on your personal data because much of the predictive data they are collecting on your choices is a stunted and impoverished version of your actual self. In other words, it's not so much that these platforms can predict what you want, it's that Google or Amazon can predict what you'll *choose* when presented with a highly limited and carefully curated set of options that they - not you - have chosen to display. In short, much of a choice architect's predictive capacities stems from having the awesome power to determine what options will be made available in the first place and then knowing how you will react to these narrowly constrained choices. Once they've got you clicking and picking inside an isolating choice box, your behavior becomes much easier to predict – and thus control.

This ability to choose the choices, to limit the range of options, to set the terms of the possible, and then to be able to predict what path people likely will take is one of the most potent forms of power that have ever existed in human history. In less than a generation, it has helped transform a handful of online platforms into the richest and most dominant businesses in the history of the world. As more and more of our life goes online, these companies have gained the clout not just to curate our choices but to shape large swaths of our everyday lives. And yet, the power of such choice architects has been underrated and overlooked. This is, in part, because we have been focusing far more on the choices than on the box. We have allowed ourselves to be convinced that since we are offered up a menu of options, we are free. That we must own the choices we make even though they are not of our own making. As a result, when we find ourselves feeling confined our disappointed with our lives, we usually don't blame the choice architects whom we cannot see, nor the broader economic, social or political forces which enabled and empowered them. Rather, we blame ourselves. Because we had a choice.

Isn't it high time we escaped these choice boxes or, at the very least, had more of a say in how they are designed and what choices are made available to us?

Adams, Not Carolyns

Nudge, one of the most impactful non-fiction books of the twenty-first century, opens – as texts written by economists often do – with a completely imaginary scenario. "A friend of yours, Carolyn, is the director of food services for a large city school system," authors Richard Thaler and Cass Sunstein announce at the start of their 2008 best-seller. "She is in charge of hundreds of schools, and hundreds of thousands of kids eat in her cafeterias every day." They then continue:

> One evening, over a good bottle of wine, she and her friend Adam, a statistically oriented management consultant who has worked with super-market chains, hatched an interesting idea. Without changing any menus, they would run some experiments in her schools to determine whether the way the food is displayed and arranged might influence the choices kids make. Carolyn gave the directors of

> dozens of school cafeterias specific instructions on how to display the food choices. In some schools the desserts were placed first, in others last, in still others in a separate line. The location of various food items was varied from one school to another. In some schools the French fries, but in others the carrot sticks, were at eye level. From his experience in designing supermarket floor plans, Adam suspected that the results would be dramatic. He was right.[8]

Introducing one of the central concepts of their book (and of this one) a few short paragraphs later, Sunstein and Thaler explain that Carolyn was what "we will be calling a *choice architect"* which they define as someone who has "the responsibility for organizing the context in which people make decisions." In musing over what Carolyn should do with her newfound power, the book authors then present to the reader one of the earliest yet most enduring examples of choice architecture in American life - the multiple choice question. Determining the realm of possibilities for the reader while still giving them the independence to choose, Sunstein and Thaler frame Carolyn's options as such:

1. Arrange the food to make the students best off, all things considered.
2. Choose the food order at random.
3. Try to arrange the food to get the kids to pick the same foods they would choose on their own.
4. Maximize the sales of the items from the suppliers that are willing to offer the largest bribes.
5. Maximize profits, period.[9]

Go ahead, choose. The choice box is calling, and you know you want to. Thaler and Sunstein carefully designed this choice menu so that most readers would likely choose the first option (some might choose option three). This clever little game of Choose-Your-Own-Ideology allowed them to elegantly align their readers' individual choice with their own pet political project: "If, all things considered, you think that Carolyn should

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[8] Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness* (Yale University Press, 2008) 1.
[9] Ibid, 2

take the opportunity to nudge the kids toward food that is better for them, Option 1, then we welcome you to our new movement: libertarian paternalism." After designing a multiple choice set in order to delicately lead people into their movement which claims it can influence people just by designing their choice sets, Thaler and Sunstein unironically declare that their approach strives "to design policies that maintain or increase freedom of choice."[10]

That a multiple choice question appears on the second page of the most popular text in the history of behavioral economics is extremely fitting. It was precisely such mundane choice boxes that first gave the discipline life. Like nearly all practitioners in the field of behavior economics which he helped found in the late 1970s, Thaler did not only study choice architects – he *was* a choice architect. Behavioral economists' greatest methodological contribution to economic theory has been the implementation of highly controlled "choice experiments" which they deploy in order to collect behavioral data. Many of the most famous choice experiments that first put behavioral economics on the map took the form of multiple choice questionnaires. Forcing even skeptical mainstream economists to take notice by the mid-1980s, these multiple choice questionnaires, which usually were filled out by undergrads, provided strong empirical evidence that a choice architect could predictably and consistently get his or her subjects to radically "reverse" their preferences and alter their responses just by changing how the multiple choice question was constructed or, as early behavioral economists Danny Kahneman and Amos Tversky called it, "framed."[11]

But let us return to Carolyn - the imaginary, carrot-nudging school cafeteria manager. Since *Nudge* was first released to great acclaim right before the entire financial system almost crashed, Carolyn's image has become something of a poster child for what a choice architect looks like in the eyes of behavioral economists who have entered into the lucrative and ever-growing industry of corporate consulting and behavioral marketing. In 2018, for

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[10] Ibid, 2-3

[11] Amos Tversky and Daniel Kahneman, "The Framing of Decisions and the Psychology of Choice," *Science* 211, no. 4481 (January 30, 1981): 453–58,

instance, Wharton Professor and behavioral economist Katherine L. Milkman was invited to give a talk at the Investments and Wealth Institute, a professional association for financial advisors, investment consultants and wealth managers. She opened her talk by noting that the "canonical example" of choice architecture was the cafeteria where "a wise choice architect" can "help guide people to make choices that will be in their own long-term best interest." (Recognizing that the crowd seemed very wealthy, one astute YouTube commentator noted wryly that "I'm not sure if everyone in that audience has been to a cafeteria.")[12]

Wise choice architects who help guide people towards better personal decision-making. It all sounds so wholesome, just like the subtitle of *Nudge* which was "*Improving Decisions About Health, Wealth and Happiness*." Yet if we return once more to the opening scene of the book, one can catch a fleeting glimpse of a very different type of choice architect. I am, of course, referring to the mysterious "Adam," the number-crunching supermarket floor designer who had been so confident that Carloyn's choice experiment – which he had masterminded - would work. Judging by his confidence, it appears as if Adam had a lot of experience modifying people's behavior just by changing how his corporate clients arranged goods on their shelves. Rereading *Nudge* a few years ago, I was suddenly struck by a singular question: Who was this Adam and how did he know so much about manipulating people? This book is the long answer to that short question. A history of capitalism, choice architects and the power they have come to hold over us, it will focus on the slow but steady rise of real-life "Adams" – not imaginary "Carolyns."

Although Adam is never heard from again in the pages of *Nudge*, nor are any other "statistically oriented management consultants" for that matter, taking a quick look at the political economy of supermarket shelves (the topic of chapter seven) will encapsulate how this book differs from behavioral economics in its approach to choice architects and their impact on society. It will also offer a good first example of the main historical argument of this book: The digital choice boxes of the twenty-first century all have analog origins from the twentieth century and the internet's menufication of everyday life is the culmination of

[12] https://www.youtube.com/watch?v=vd2WbBRCT-E

a long and contested political, economic, intellectual and ideological process rather than its starting point.

For most of the twentieth century, supermarkets lacked significant market power and were fairly regulated businesses thanks to anti-chain laws passed during the New Deal. Then, like so many industries during the “neoliberal” turn of the 1970s and 1980s, came deregulation, financialization and corporate concentration. With government oversight greatly diminished, supermarket chains began to rapidly consolidate, slowly gaining an upper hand over most producers and suppliers – especially smaller ones. Peaking in the mid-1990s, this “retail revolution” coincided with a broader “shareholder revolution” which insured that these newly dominant choice architects would seek to maximize short-term profits and their stock prices by combining their newly found market power with their strategic position as architects of American consumer choice. Unlike in the New Deal era, with no countervailing powers to now stop or even slow them, supermarket chains were free to shape our food choices so as to maximize their profits.[13]

In light of this history and the simple fact that most Americans don’t eat very often in government-run cafeterias, it appears that the more “canonical” choice architect of everyday American stomachs these past few decades has been corporate supermarket floor planners like Adam – not public school administrators like Carolyn. (This is not to say that school cafeterias do not still matter a great deal. Yet here too, cafeteria choice architecture cannot remain an imaginary exercise but must be placed in its historical context. For instance, after slashing a billion dollars from child-nutrition funding in 1981, the newly elected Reagan administration decided to count condiments as vegetables when constructing schoolchildren’s daily menus. Instead of carrots at children’s eye-level, as the *Nudge* authors optimistically imagined in their make-believe example, actual American

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[13] See chapter seven. For the shareholder revolution see Gerald F. Davis, *Managed by the Markets: How Finance Re-Shaped America* (OUP Oxford, 2009). For the retail revolution see Nelson Lichtenstein, “The Return of Merchant Capitalism,” *International Labor and Working-Class History* 81 (March 1, 2012), https://doi.org/10.1017/S0147547912000087.

children of the 1980s were often presented a sumptuous choice between relish or ketchup packets.[14])

If we return to the multiple-choice question first presented to *Nudge*'s readers in its opening pages, it appears that in light of the neoliberal turn of the late twentieth century the most appropriate answer for actual, real-life, food choice architects in the United States since the 1980s, is not Option 1 but Option 5 – "maximize profits, period." But wait. Not so fast. An even closer look at the political economy of supermarket choice architecture since the 1980s suggests that this multiple choice answer might not be entirely accurate either. After the federal government stopped enforcing anti-chain laws and regulations, consolidated supermarket chains soon realized that their revenues no longer needed to come mostly from shoppers as past antitrust laws had demanded. Rather, as giant, unencumbered choice architects with major market power, supermarkets could now begin to make heaps of money not from selling food to their consumers but from selling shelf space (sometimes referred to as "slots") to their suppliers.[15]

Back in 1968, only about 28 percent of a food producer's marketing budget went to retailers for in-store promotions. The rest was spent on media advertising. By 2010, these ratios flipped: Roughly 70 percent of food marketing was now being spent on the placing and pricing of goods in the supermarket aisle itself. Much of this budget consisted of "display" or "slotting" fees, often paid directly in cash, to supermarket chains so that food suppliers could not only make sure they got on the shelf but also that they grabbed a profitable spot in the store "planogram" – the design tool retailers had begun to use to spatially plan and curate their aisles and shelves.[16]

As choice slots on supermarket shelves came to be auctioned off in the 1980s and 1990s to the highest bidder, smaller and more local food manufacturers – which, studies have shown,

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[14] "National School Lunch, School Breakfast, and Child Care Food Programs; Meal Pattern Requirements", Federal Register 46 FR 44452, Food and Nutrition Service, US Department of Agriculture.

[15] See Chapter seven. For an excellent primer into the issue see Gary Rivlin, "Rigged: Supermarket Shelves for Sale," *Center for Science in the Public Interest*, September 2016.

[16] American Antitrust Institute (AAI). Federal Trade Commission Guides for Advertising Allowances and Other Merchandising Payments and Services—Comment of the American Antitrust Institute, January 29, 2013.

usually offer up healthier and less processed options – demanded that the government step in since they had little chance to compete with "Big Food" giants like Coca-Cola or Unilever for shelf space. Yet despite a heated struggle, in the end regulators, judges, policymakers and politicians did very little – especially after Chicago School economists working for the FTC and Department of Justice deemed such fees "efficient." By the early 2000s, many small food producers were pushed out of the supermarket entirely, as they did not have the millions of dollars needed to buy up shelf space. "It's sad," said one unusually candid food executive in 2016. "The country is demanding healthier products, but you can't get into some of these grocers without scale. It doesn't make a difference how good a product is for you or how much people might like it. If you don't have the money, you can't play the game. You're buried in the back of the store—if you can get inside at all." As this executive makes perfectly clear, the food options being presented to shoppers were *not* being determined mostly by consumers' wants and desires, but rather by corporations' bottom lines and bottomless marketing budgets. One real-life "Adam," a supermarket consultant by the name of Herb Sorensen, says that this has become the new normal as the "backroom" deals from these slotting and display fees have emerged as "the number one source of profits for stores." It would appear that out in the real world, far away from economists' imaginary scenarios, free market models and feel-good stories, perhaps the most historically accurate response to Sunstein and Thaler's multiple choice question these past few decades has been the option they clearly designed never to be picked. I am referring, of course, to Option 4: "Maximize the sales of the items from the suppliers that are willing to offer the largest bribes."[17]

For the American people, Option 4 has been a public health disaster, with studies showing that it has led corporate chains to place the worst foods in the most prominent places, thus helping to fuel an obesity epidemic which exploded in the final two decades of the century. (Fitting of the new "free to choose" ideology which coincided with these economic changes, many of these obese Americans who had been boxed into "food deserts" were then lectured that it was their own fault they had gotten so fat since everyone has free choice in the

[17] Rivlin, "Rigged," 15

capitalist marketplace.) Recognizing that no one was going to stop them, supermarket chains unabashedly turned to yet another revenue-generating choice architecture known as the "category captain" in which they allowed one dominant manufacturer to curate the entire planogram in their section of the supermarket. According to one supermarket insider, these category captains planned "everything from where and how products are shelved in supermarkets … to whether a competitor's product should see the light of day at all." [18]

In the early twenty-first century, the choice architecture of supermarket shelving spread online. By 2023, Google was earning close to $200 billion dollars from virtual "slotting fees" by auctioning off their "shelf space" of search results to the highest bidder. Ironically, Google's own founders had originally rejected this business model, acknowledging in the late 1990s that such a pay-to-display choice architecture was "particularly insidious" because it "will be inherently biased towards the advertisers and away from the needs of the consumers." A few years later, however, Sergey Brin and Larry Page realized it was actually the venture capitalists who had funded Google who were now calling the shots, and they made the switch. Flush with cash from selling out their search menu, Google then began using part of their massive income from slotting fees to greatly influence other tech companies' choice architecture as well – famously forking over billions of dollars a year to Apple just so that its search engine would be the default option on our iPhones.[19] At the same time, Thaler and Sunstein were being celebrated for rebranding defaults as the ultimate kind of "nudge."

Without the crucial political, economic and legal precedent of supermarket slotting fees and its planogrammed victory over small competitors and government regulators, Google or Amazon's business model may not have been possible or legal. This is a recurring theme of this book: The hard-fought contests over analog choice boxes in the twentieth century often set the historical stage for the relatively uncontested rise of digital choice boxes in the

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[18] Ibid, iii
[19] Sergey Brin and Larry Page, "The Anatomy of a Large-Scale Hypertextual Web Search Engine" (http://infolab.stanford.edu/pub/papers/google.pdf, 1998).

twenty-first century. But do not just take my word for this, ask the online giants themselves. Google and Amazon have been the first to admit that supermarket slotting fees paved the way for the choice architecture that turned them into online empires. After FTC chief Lina Khan and the Biden administration finally abandoned the Chicago School's "hands-off" approach to economic concentration and monopoly power, Big Tech rushed to confess that their business model was actually not innovative or new, that supermarkets were the real pioneers of such choice architecture, and therefore they should not be regulated or prosecuted for anti-competitive behavior since they were simply playing by rules and precedents that had already been set in the late twentieth century. "If you walk down the cookie aisle of your local supermarket," noted the CEO of a leading tech-funded advocacy group, "you'll likely see that Oreo products take up a large amount of space. That's likely because Mondelez, Oreo's parent company, pays significant slotting fees to grocers." Continuing, the former Google exec concluded that "just as supermarkets' shelf space deals have never posed a credible antitrust problem, neither do Google's search distribution deals." Similar arguments were also made by "market-oriented" think tanks regarding Amazon's business model which, like Google, requires companies to pay in order to appear on the most powerful retail menu in the history of the world. "It's important to know that ad fees on Amazon are analogous to slotting fees in brick and mortar stores," explained the deceptively titled Progressive Policy Institute. "Prime shelf space and prime search rankings are both scarce resources that are auctioned off to the highest bidder."[20]

The impact that brick-and-mortar supermarket shelves had on online search and shopping menus is no historical outlier. As this book will demonstrate time and again, many of the online choice boxes we find ourselves trapped in today have a long and forgotten history that began well before the rise of the internet. As we shall learn, before Uber disciplined its drivers through the tyranny of the five-star rating, industrial psychologists in the 1920s invented such rating scales to try and control unruly white collar workers. Before YouTube,

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[20] Adam Kovacevich, "How Supermarket Shelf Space Explains the Upcoming DOJ v. Google Antitrust Case," *Chamber of Progress* (blog), September 8, 2023, https://medium.com/chamber-of-progress/how-supermarket-shelf-space-explains-the-upcoming-doj-v-google-antitrust-case-ea0507f4598b.; Progressive Policy Institute, "Amazon, Antitrust, and Private Label Goods," *Medium* (blog), April 27, 2020, https://progressivepolicyinstitute.medium.com/amazon-antitrust-and-private-label-goods-bf8b8cc00e99.

Facebook or Netflix pushed us down rabbit holes, echo chambers or filter bubbles, CBS President Frank Stanton experimented with the first like and dislike button in the 1930s in order to boost his radio ratings and juice advertising sales. Before Americans debated whether to swipe left or right on their tinder app, they were herded into choice experiments where they had to mull over which beverage they preferred in the Pepsi Challenge or whether they should take one Marshmallow now or patiently wait for two later. Before video games funneled kids down pre-ordained paths under the guise of free choice, Choose-Your-Own-Adventure books did much of the same. Before teenage girls turned to Buzzfeed quizzes for insights into their authentic self, they sought out Cosmo quizzes to discover their true selves. Before meme investors picked their stocks on Robinhood.com, corporations shifted their company pensions - and all of the financial risk – on to employees' 401k choice menus. Before the internet became one giant a/b testing click laboratory, applied psychologists, behavioral economists and consumer marketers ran an array of choice experiments on human beings in an attempt to uncover what made them tick – and pick.

Much like the role that neoliberal political economy played in the shaping of supermarket shelves in the late twentieth century, contemporary choice boxes are never simply the product of inexorable technological change or innovation. In tracing their history back to eugenics, behaviorism, Taylorism, advertising, industrial psychology, neoclassical economics, marketing, management, business schools, the Marshmallow Test and the Pepsi Challenge, this book demonstrates how choice boxes were always political and ideological constructs that did not emerge in a social, economic or cultural vacuum nor a racial or gendered one. (As we shall see in part one, all of the pioneering choice architects in the first half of the twentieth century were white, Anglo-Saxon, middle-class men – and it showed.) There is, therefore, good reason why in more conservative decades, like the roaring 1920s or the Reaganite 1980s, the construction and dissemination of choice boxes thrived and expanded while in more left-leaning periods, such as during the New Deal of the 1930s or the Great Society of the 1960s, their use and spread was often curtailed by a diverse array of American detractors that included female union leaders, rogue SAT test writers, civil rights activists and leading public intellectuals.

What is more, the meteoric rise in the implementation of choice boxes in so many walks of life since the mid-1970s – the subject of part two of this book – allows us to take a fresh and critical look not only at the notion of "free choice" but the broader historical period in which this concept became hegemonic. From the vantage point of the choice-maker, rather than the choice-taker, the late twentieth century was not an age of "chaos," "fracture," or "free markets" as some prominent American historians have recently suggested. Rather, it was an age of rampant economic concentration, planning, bureaucracy, organization and control during which unprecedently powerful private monopolies placed individuals into choice environments of their own careful corporate design and then presented this rather stifling choosing experience as "freedom." By depicting a society in which more and more of our time is spent in a centrally planogrammed economy of limited and constrained menus, I hope this book can offer up a worthy answer to that dogged question – what exactly is neoliberal capitalism? In so doing, I will present a neoliberal economy which is far more claustrophobic than chaotic or fractured, whose institutions have mostly been shaped by "top-down" choice architects not "bottom-up" choosers, and where even individual markets choices are carefully designed, curated and planned.[21]

The fact that society has become littered with varying forms of structured choice since the early twentieth century, yet a concept such as "choice architect" did not even exist prior to 2008 reflects how many moderns have tended to take the choices presented to them as a natural given. While they have mulled, sometimes obsessively, over the different choices offered to them on various menus, they have spent far less time pondering who determined and designed the range of possible options. In shifting the focus to choice architects, *Nudge* offered a fresh and exciting new way to analyze modern life and social power. Unfortunately, however, like many behavioral economists their use of this concept fell far short of its analytical potential. Readers of *Nudge* are led to believe that choice architects

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[21] Daniel T. Rodgers, *Age of Fracture* (Harvard University Press, 2011); Jonathan Levy, *Ages of American Capitalism: A History of the United States* (Random House Publishing Group, 2021); Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York: Oxford University Press, 2022); Angus Burgin, *The Great Persuasion: Reinventing Free Markets since the Depression* (Harvard University Press, 2012).

merely correct the pesky cognitive bugs, "errors" and "biases" in our brains which cause us to make predictably "irrational" choices. In this telling, choice architects have no real power over us. In fact, at many points in the book Sunstein and Thaler argue that choice architects only nudge us towards the rational decisions we surely would have made if we weren't so cognitively damaged. Choice architects are, according to *Nudge*, just friendly helpers that guide us towards the choices we really wanted to make all along only failed to do so. Choice architects don't box us in or manipulate us - they set us free.

This approach does not only downplay the enormous influence of choice architects on our everyday lives, but it also leads to a very limited and conservative public policy. While a few of the policy proposals in *Nudge* are genuinely compelling, they are all relatively cosmetic changes that not only ignore larger structural social problems like racial discrimination, monopoly power or class inequality but also ensure that whatever new policies are implemented will not challenge the social, economic or political status quo. Like many other choice architects we will meet throughout this book, by narrowly focusing only on *individual* choices, Thaler and other behavioral economists often use choice boxes to turn societal problems (like low retirement savings or child obesity) into personal ones (people make "bad" choices because they are irrational and lack "self-control.") Combine this with the fact that nudges are usually not only conservative but inexpensive, and we can begin to understand why such a political and ideological project became so attractive to global economic elites, especially in the austerity years that followed the 2008 collapse. (Big banks, of course, got more than just meagre nudges in this era – they got massive bailouts).

Choose-Your-Own-Captivity will take a very different approach to choice architects and their choice boxes. In following their rise to power, it will not only stress the power of choice architects to influence the shaping of our government, economy, careers and neighborhoods but also our basic conceptions of freedom, selfhood, autonomy and justice. Choice architects don't just structure many of our options, they often shape our very subjectivity. In short, this book will argue that choice architects provide far more than just do-gooder nudges. In fact, I will try to convince you that in a capitalist society built around the hegemonic notion of free, individual choice, the people who wield the power to shape, design and plan the choices made available to us might just have the greatest – yet also the most overlooked - power of all.

Before the Choice Box

Part one of this book will focus on "the founders." The relatively small coterie of white, male choice architects in the first half of the twentieth century who developed, designed and disseminated the first choice boxes in American history with mixed success. The main characters in this part will be behavioral, industrial and applied psychologists, many of whom created the first mass-produced forms of structured choice during and after the first World War. The foundational choice boxes they invented and designed included multiple choice queries, rating scales, controlled choice experiments and "forced choice" yes/no quizzes. Part two of the book will focus on the slow yet steady "choice boxing of everyday life" that took place in the second half of the century, especially since the mid-1970s. The choice architects in this part are more diverse and eclectic, including Pepsi CEOs and Choose Your Own Adventure authors, but one notable development is the increasingly central role of economists, marketers and business school professors.

Before we turn to the next chapter and the racist Harvard psychologist who was inspired by rat mazes to give us the multiple choice test, we must set the broader historical scene. For much of human history, people could go a whole lifetime without entering into almost any choice boxes, save for perhaps very special buildings, gardens or planned city streets. Most eateries, taverns, inns or restaurants did not have menus with various options until at least the nineteenth century. Before the rise of the large department stores in the 1890s and self-serve supermarket chains in the 1930s, most retail shops, stalls or stores did not carefully display their wares on shelves for customers to choose from, and rarely held more than one kind of anything. Customers still chose between various proprietors, of course, but such choices were not being coordinated, planned or curated under one roof by a single, large business entity. In fact, for centuries the closest thing to a choice architect, in this regard, were the municipal government officials who organized the urban stalls at the public market. Mail-order catalogs were one of the first truly mass-produced choice boxes –

but they did not take off until the mid-to-late nineteenth century, once the railroads made them possible. What is more, anyone who opened up a Sears catalog from the 1880s, would tell you it wasn't exactly organized. Rather than carefully curated choice, the catalog was haphazardly jam-packed with almost every possible item one could manufacture.[22]

In the United States, even the ballot box did not become a choice box until the end of the nineteenth century. Before the 1890s, elections were not a systematized, isolated and individualized affair of secret, standardized, pick-from-a-menu ballots. Rather, they were a transparent and raucous social event in which a list of candidate names (no choices to make here) was stuffed into the hands of most voters (sometimes with a coin attached) by local party operatives. These "party tickets" purposely came in very distinctive sizes, shapes and colors so everyone knew who everyone else voted for. The only thing voters usually had to do was slip the ticket into a very public ballot box, which was often even made of see-through glass. Since these tickets were so easily identifiable, and did not require marking any lines, checking any boxes, circling any blanks or puncturing any chads inside an isolated choice booth, illiterate voters – be they immigrants, former slaves or poor whites - were not at a disadvantage.[23]

While this book does not focus on electoral ballots or political polling because such a focus would have made this already wide-ranging book far too unwieldy and this topic has already received excellent historical treatment, the early choice boxing of American democracy is a story briefly worth telling as it serves as a kind of canary in the historical coal mine. Towards the end of the nineteenth century, two different political programs converged that put an end to the "party ticket" voting system. On one hand, there was a growing consensus amongst many Americans that voters deserved privacy since otherwise

[22] Rebecca L. Spang and Adam Gopnik, *The Invention of the Restaurant - Paris and Modern Gastronomic Culture, with a New Preface* (Harvard University Press, 2019). James M. Mayo, "The American Public Market," *Journal of Architectural Education (1984-)* 45, no. 1 (1991): 41–57, Helen Tangires, *Public Markets* (WW Norton, 2008).Marc Levinson, *Great A&P and the Struggle for Small Business in America* (Hill & Wang, 2012); William R. Leach, *Land of Desire: Merchants, Power, and the Rise of a New American Culture* (Knopf Doubleday Publishing Group, 2011); Richard S. Tedlow, *New and Improved: The Story of Mass Marketing in America* (Boston, Mass: Harvard Business School Pr, 1996).Boris Emmet and John E. Jeuck, *Catalogues and Counters: A History of Sears, Roebuck and Company* (University of Chicago Press, 1950).

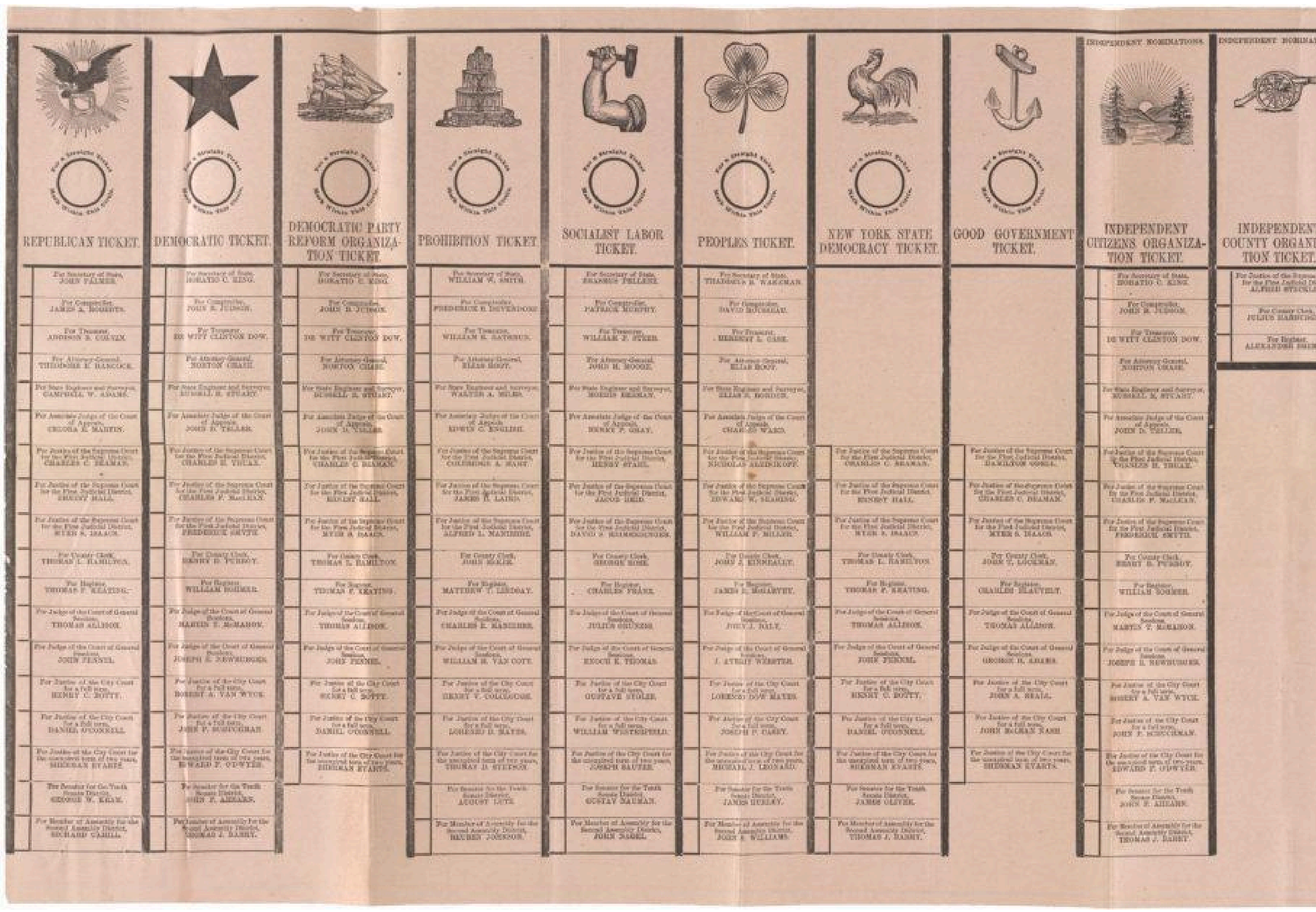
[23] Jill Lepore, "How We Used to Vote," *The New Yorker*, accessed September 30, 2024, https://www.newyorker.com/magazine/2008/10/13/rock-paper-scissors.

they could be pressured, coerced or bribed into voting for candidates they did not necessarily support. On the other hand, economic elites were terrified that one-man-one-vote democracy had become a direct threat to their social and financial standing. “Universal Suffrage can only mean in plain English, the government of ignorance and vice,” warned Boston Brahmin and railroad capitalist Charles Francis Adams, Jr in 1869. “It means a European, and especially Celtic, proletariat on the Atlantic coast; an African proletariat on the shores of the Gulf, and a Chinese proletariat on the Pacific.” Trying to stem this dangerous tide of multiracial, plebian democracy, such elites sought out subtle-yet-potent ways in which they could restrict the electoral power of the working classes without having to turn to overt forms of coercion like in autocratic societies.[24]

The solution to both of these conflicting programs – voter autonomy and voter restriction - was to be found in a choice box. By the late 1880s, state governments began to set up committees to design standardized secret ballots known as “Australian Ballots” since they had first been employed Down Under. How these Australian ballots were designed revealed which of the two social problems their respective architects were trying to solve. In the Midwest and mid-Atlantic, populist state committees adopted a “party column” ballot that still enabled illiterate voters to easily vote for the party ticket by only having to check the large circle next to the party logo. Here is a typical 1895 New York State party column ballot:[25]

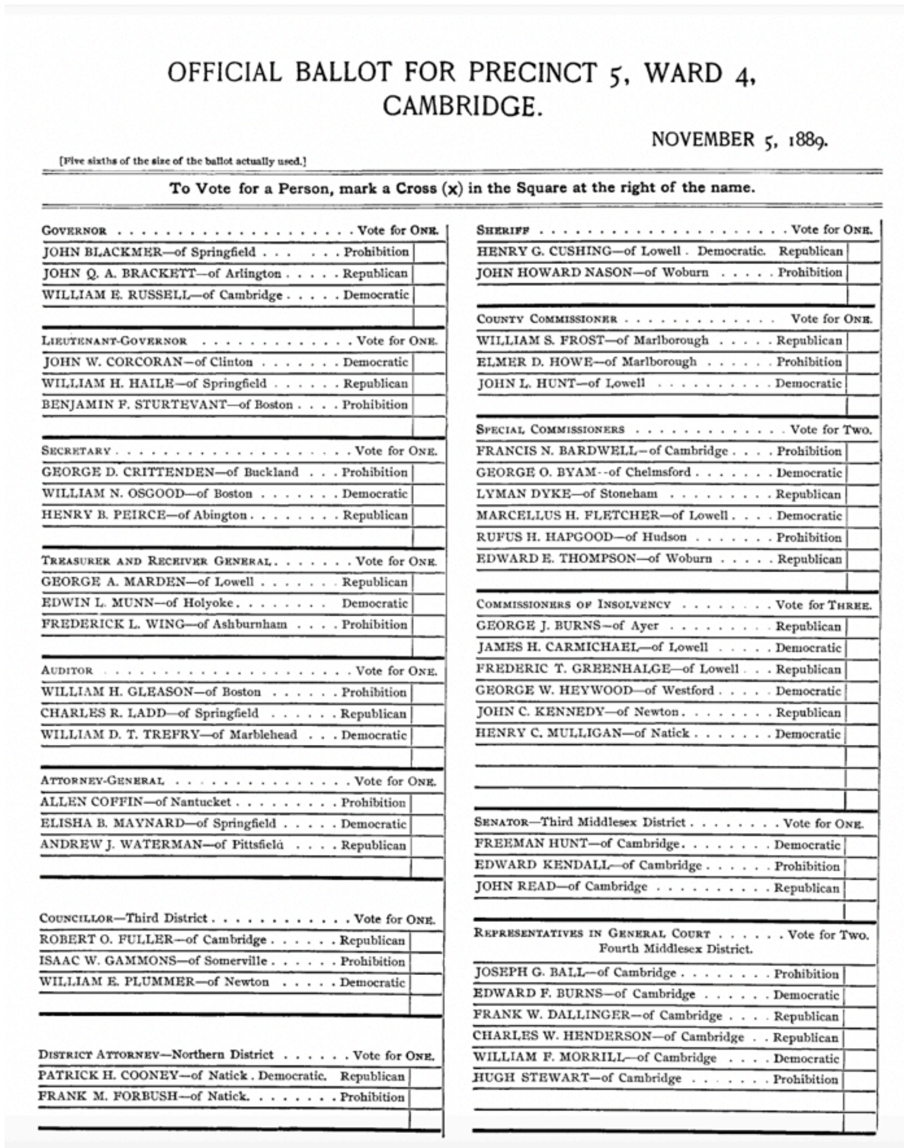
[24] Adams qtd in Foner, *Reconstruction: America’s Unfinished Revolution*, 497 Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (Hachette UK, 2009); Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850-1896* (Cambridge University Press, 2001).

[25] Erik J. Engstrom and Samuel Kernell, *Party Ballots, Reform, and the Transformation of America’s Electoral System* (Cambridge University Press, 2014).Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* (University of Chicago Press, 1917). Image below courtesy of Rare Books Division, The New York Public Library.



In most of New England and all of the Jim Crow South save for Missouri, on the other hand, elite-run state committees designed a far less user-friendly "office bloc" ballot that proved intimidating if not impossible for anyone who did know how to read. It required the voter to choose each and every political office, with no imagery or party ticket option to help them in the process. Below is an image of a Massachusetts State ballot from 1889, the state that first pioneered this approach thanks to the Brahmin elites like Ricard Dana who pushed for its implementation:[26]

[26] For Massachusetts see Edward H. Miller, "They Vote Only for the Spoils: Massachusetts Reformers, Suffrage Restriction, and the 1884 Civil Service Law," *The Journal of the Gilded Age and Progressive Era* 8, no. 3 (2009): 341–63. For the South see J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (Yale University Press, 1974); John William Graves, "Negro Disfranchisement in Arkansas," *The Arkansas Historical Quarterly* 26, no. 3 (1967): 199–225.



OFFICIAL BALLOT FOR PRECINCT 5, WARD 4, CAMBRIDGE.

NOVEMBER 5, 1889.

[Five sixths of the size of the ballot actually used.]

To Vote for a Person, mark a Cross (x) in the Square at the right of the name.

GOVERNOR . . . . Vote for ONE.	
JOHN BLACKMER—of Springfield . . . . . Prohibition	
JOHN Q. A. BRACKETT—of Arlington . . . . . Republican	
WILLIAM E. RUSSELL—of Cambridge . . . . . Democratic	
LIEUTENANT-GOVERNOR . . . . Vote for ONE.	
JOHN W. CORCORAN—of Clinton . . . . Democratic	
WILLIAM H. HAILE—of Springfield . . . . . . Republican	
BENJAMIN F. STURTEVANT—of Boston . . . . Prohibition	
SECRETARY . . . . Vote for ONE.	
GEORGE D. CRITTENDEN—of Buckland . . . Prohibition	
WILLIAM N. OSGOOD—of Boston . . . . Democratic	
HENRY B. PEIRCE—of Abington . . . . Republican	
TREASURER AND RECEIVER GENERAL . . . . Vote for ONE.	
GEORGE A. MARDEN—of Lowell . . . . . . Republican	
EDWIN L. MUNN—of Holyoke . . . . Democratic	
FREDERICK L. WING—of Ashburnham . . . . Prohibition	
AUDITOR . . . . Vote for ONE.	
WILLIAM H. GLEASON—of Boston . . . . . . Prohibition	
CHARLES R. LADD—of Springfield . . . . . . Republican	
WILLIAM D. T. TREFRY—of Marblehead . . . Democratic	
ATTORNEY-GENERAL . . . . Vote for ONE.	
ALLEN COFFIN—of Nantucket . . . . Prohibition	
ELISHA B. MAYNARD—of Springfield . . . . . Democratic	
ANDREW J. WATERMAN—of Pittsfield . . . . Republican	
COUNCILLOR—Third District . . . . Vote for ONE.	
ROBERT O. FULLER—of Cambridge . . . . . . Republican	
ISAAC W. GAMMONS—of Somerville . . . . . . Prohibition	
WILLIAM E. PLUMMER—of Newton . . . . . Democratic	
DISTRICT ATTORNEY—Northern District . . . . . . Vote for ONE.	
PATRICK H. COONEY—of Natick . Democratic. Republican	
FRANK M. FORBUSH—of Natick. . . . . Prohibition	

SHERIFF . . . . Vote for ONE.	
HENRY G. CUSHING—of Lowell . Democratic. Republican	
JOHN HOWARD NASON—of Woburn . . . . . Prohibition	
COUNTY COMMISSIONER . . . . Vote for ONE.	
WILLIAM S. FROST—of Marlborough . . . . . Republican	
ELMER D. HOWE—of Marlborough . . . . . . Prohibition	
JOHN L. HUNT—of Lowell . . . . Democratic	
SPECIAL COMMISSIONERS . . . . Vote for Two.	
FRANCIS N. BARDWELL—of Cambridge . . . . Prohibition	
GEORGE O. BYAM—of Chelmsford . . . . Democratic	
LYMAN DYKE—of Stoneham . . . . Republican	
MARCELLUS H. FLETCHER—of Lowell . . . . Democratic	
RUFUS H. HAPGOOD—of Hudson . . . . Prohibition	
EDWARD E. THOMPSON—of Woburn . . . . . Republican	
COMMISSIONERS OF INSOLVENCY . . . . Vote for THREE.	
GEORGE J. BURNS—of Ayer . . . . Republican	
JAMES H. CARMICHAEL—of Lowell . . . . . Democratic	
FREDERIC T. GREENHALGE—of Lowell . . . Republican	
GEORGE W. HEYWOOD—of Westford . . . . . Democratic	
JOHN C. KENNEDY—of Newton . . . . Republican	
HENRY C. MULLIGAN—of Natick . . . . Democratic	
SENATOR—Third Middlesex District . . . . Vote for ONE.	
FREEMAN HUNT—of Cambridge . . . . Democratic	
EDWARD KENDALL—of Cambridge . . . . . . Prohibition	
JOHN READ—of Cambridge . . . . Republican	
REPRESENTATIVES IN GENERAL COURT . . . . . . Vote for Two. Fourth Middlesex District.	
JOSEPH G. BALL—of Cambridge . . . . Prohibition	
EDWARD F. BURNS—of Cambridge . . . . . . Democratic	
FRANK W. DALLINGER—of Cambridge . . . . Republican	
CHARLES W. HENDERSON—of Cambridge . . Republican	
WILLIAM F. MORRILL—of Cambridge . . . . Democratic	
HUGH STEWART—of Cambridge . . . . Prohibition	

Sure enough, the manner in which these state ballots were designed ended up having a massive impact on voter turnout. In the first election after the Australian ballot was adopted, states which had designed a party column ballot saw on average a four percent *rise* in turnout. On the other hand, states that went with the office bloc design saw a staggering fifteen percent *decline*.[27] In Boston, the new choice box helped Brahmin elites finally rid themselves of the first Irish-Born mayor of the city, a populist egalitarian they felt was spending too much public money on education and infrastructure. While the Lords of

[27] Daniel Reed, "Reevaluating the Vote Market Hypothesis: Effects of Australian Ballot Reform on Voter Turnout," *Social Science History* 38 (September 1, 2014): 277–90

the Loom in Massachusetts were careful to frame this anti-democratic change in the liberal language of reform and good governance, the Lords of the Lash in the South were far more open about their goals after the new ballot design helped decimate voter rates amongst African-Americans.[28] "The first trial of the Australian Ballot is satisfactory," noted one Savannah newspaper, "the negro vote is largely reduced." In Arkansas, the percentage of Black men who voted plummeted from seventy-one to thirty eight percent. The local Democratic Party in the state was so pleased, they even wrote a song:

> The Australian ballot works like a charm,
> It makes them think and scratch,
> And when a Negro gets a ballot
> He has certainly got his match.
> They go into the booth alone
> Their ticket to prepare.
> And as soon as five minutes are out
> They have got to git from there[29]

A few lessons can be learned from this ugly early moment in choice box history. First, never underestimate the power of a motivated choice architect. Second, because of the subtle manner in which they quietly yet forcefully impose their will on society, choice architects can quickly become a serious threat to a fair, free, equal and democratic society. Third, choice boxes are not inherently oppressive or anti-democratic. As the "column party" ballot design revealed, choice architects can have a positive, even emancipatory impact on society– so long as "the people" recognize their importance and do not leave their design in the unsupervised hands of powerful elites. Unfortunately, most of the American working and middle classes – be it in the 1890 or 1990s – have historically been unwilling or unable

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[28] Miller, "Only For the Spoils,"; Noam Maggor, *Brahmin Capitalism* (Harvard University Press, 2017). For the Brahmin framing of the reform as a success see Richard H. Dana, "The Practical Working of the Australian System of Voting in Massachusetts," *The Annals of the American Academy of Political and Social Science* 2 (1892): 1–18.

[29] *Savannah Georgia Morning News*, May 8th 1896; See also *Pine Bluff Daily Gazette*, May 8th 1896, *New York Sun*, April 24th, 1895; Song quoted from Kousser, *The Shaping of Southern Politics*, 54

to harness the awesome power of choice architecture to forward their own interests, in part because the threat was more subtle than other forms of overt social control.

The main goal of this book is to help you see the unseen choice architects who construct large portions of your reality so that you can being to plan your escape from the choice boxes they have stuck you in. But as the history of ballot design reveals, in some instances we should not simply run from the choice box – but democratize it. As the great American sociologist C. Wright Mills once noted, “freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives.” On the contrary, Mills argued, “freedom is, first of all, the chance to formulate the available choices, to argue over them –and then, the opportunity to choose.” But such chances and opportunities to democratically formulate together the available menu of choices that structure our life paths will not simply be handed to us. We will have to take them.[30]

[30] C. Wright Mills, *The Sociological Imagination* (Oxford University Press, USA, 2000).