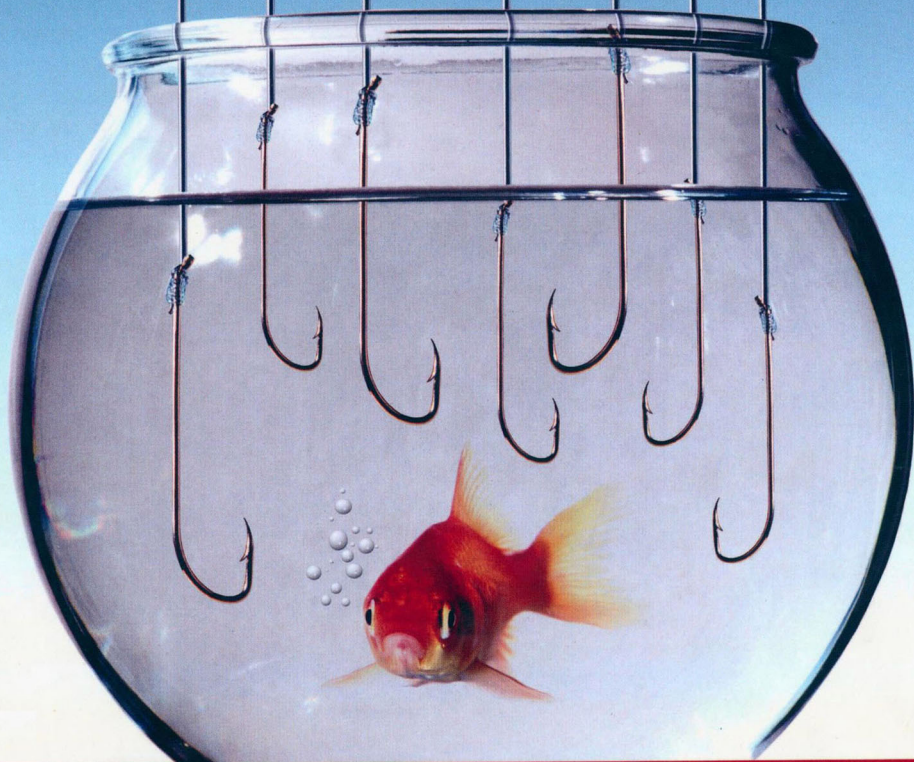


KENT GREENFIELD

# the myth of choice



personal responsibility in a world of limits

# *The* Myth *of* Choice

*Personal Responsibility*

*in a World of Limits*

Kent Greenfield



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## The Myth of Choice

*For Dana*

We have to believe in free will; we have no choice.  
—Isaac Bashevis Singer

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# Introduction

MOST OF US, MOST OF the time, like to think we are in control of our lives. We are the masters of our own fate. We make our own decisions. In the words of the cheesy poster that hung on my bedroom wall during high school, we “follow our own star.”

Whether politically liberal or conservative, we balk at government limitations on choice and fight those limits with legal arguments about rights and political rhetoric about freedom. Liberals demand access to abortions, want to be able to purchase “medical” marijuana, and don’t appreciate being patted down to get on a plane. Conservatives don’t like requirements to buy health insurance or pay taxes, bristle at limits on gun ownership and school prayer, and decry government regulation of everything from food to the environment. If you’re on the left, you’re called a civil libertarian; if you’re on the right, you may call yourself a Tea Partier. Civil libertarians want the government out of their bedrooms; Tea Partiers want the government out of their wallets.

Liberals and conservatives may disagree about the specifics of what they want to be free to choose, but both sides believe that Choice is Good. And of course they are both correct that freedom and individual decision making need to be protected, applauded, and engendered.

But there are a couple of big problems with this fixation on choice.

The first is that we face a host of choices that we’re unsure should “count” as choices. Examples abound. If your boss gives you a choice between losing your job and sleeping with him, that is not a choice that merits deference. In fact, he’s not allowed to give you that choice at all. But it hasn’t been this way for long. As we know from watching *Mad Men*,



such understandings were long implicit in the workplace. What if you're on a bus trip and a policeman stands over you and gives you a choice between getting off and allowing him to search your luggage? Courts have said this is a choice that counts, even though it might not feel like much of a choice. The choice between serving your country in the armed services and being openly gay was seen as valid until recently; now it's not. A choice to engage in consensual sex gets respect—it counts—unless the choice is to have sex for money, in which case it does not count (at least in most parts of the United States). If a woman “chooses” to wear a burqa because of cultural expectations and religious beliefs, such a choice is usually respected (I saw a woman wearing one recently in my local mall), but not in France, where burqas are now banned in public.

All in all, we might think we like choice, but the question of which choices count and which do not is very, very tricky.

The second big problem with our fixation on choice is that both the civil libertarians and the Tea Partiers assume that if the government is not involved, what remains is a sphere of freedom, choice, and personal responsibility. But the reality is different. In fact, the most significant constraints on choice come not from government but from a host of other forces.

For example, we are constrained by our own biology. You can't open a newspaper or magazine these days without learning of some new study showing that our behavior is predictable and explainable as a matter of brain science. There is nothing hotter in the world of science, and no area of science that has captured more of the public's attention, than the study of how our behavior, beliefs, and decisions are profoundly influenced by what goes on in different areas of our brains. It is as if the brain is the new focus of science's age-long effort to explain seemingly random events in the world around us. The more we know about the brain, the easier it becomes to explain and anticipate the seemingly random behavior of any one of us.

Other constraints are just as profound. For example, the influence of culture is easy to ignore, but cultural norms about everything from gender roles to religious mores are pervasive and powerful. Most of us do not even recognize them, much less resist them. In all honesty, did you choose your gender role, or was it “chosen” for you by the culture you live in? Also consider the role of power and authority when it comes to choice. Most of us, most of the time, respect authority figures and do what they say. We follow orders, even when we shouldn’t and even when they’re not really orders. If a scientist told you to shock someone with an electronic pulse as a part of an experiment, would you do it even after it was clear you were causing pain? We’d like to think we wouldn’t, but good evidence says we probably would, and we might even say that we “had no choice.”

A final example of a pervasive influence is the market. Markets are wonderful in allocating goods and services to the highest bidder, and they might seem to embody the very notion of choice. (Coca-Cola recently ran an ad in my hometown newspaper crowing that it offers “over 650 ways to help you achieve a balanced diet and active lifestyle.”) But depending on markets means that if you have few resources, you have little choice. Also, markets limit choice by making manipulation of our choices 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.

So we are faced with a tension. On the one hand, our political and legal rhetoric applauds and deifies choice, autonomy, and personal responsibility. On the other hand, we face profound questions about when choice is real, and about the reality of pervasive constraints on our choices. Once we take into account the influences of biology, culture, authority, and economics, the scope of our choices is much narrower than we have long assumed.

This book is about that tension. Can our legal system and our political debates become more sophisticated in their understanding of the nature of human choice? Can we craft public policy so that it takes into account these limits on choice? Can we use the insights we are gaining from neuroscience and psychology to create more opportunities for more of us to make more genuine choices more of the time? Can we find ways to build our individual capacity for choice, while creating the situations in which that capacity can be exercised? Can we use the understanding we are gaining about the real limits we face to help us determine when choices should count and to be more understanding when we or others screw up?

It's possible to be aware of the limits on choice and also believe in the importance of autonomy and personal responsibility. Possible, but not easy. This book is intended to help. I hope you choose to read on.

I

*The*

Centrality

*of*

Choice



# I

## Choices, Choices, Choices

It is not our abilities that show what  
we truly are. It is our choices.  
—Albus Dumbledore in *Harry Potter and the  
Chamber of Secrets* (Warner Bros. 2002)

I always believed that it's the things you don't  
choose that make you who you are. Your city,  
your neighborhood, your family.  
—Patrick Kenzie in *Gone Baby  
Gone* (Miramax 2007)

PEOPLE MAKE CHOICES ALL the time. We choose jitter-inducing coffee or waist-expanding frappuccino. Gluttonous SUV or holier-than-thou hybrid. A ponderous grad school life or a nine-to-five rat race. We choose our spouse; we decide whether and when to become a parent; we pick our place of worship. We live the straight and narrow or a life of cheap whiskey, meaningless sex, and bad disco. What we choose defines who we are, and not only according to Dumbledore. Among the actually existing, Eleanor Roosevelt said, “We shape our lives and we shape ourselves . . . And the choices we make are ultimately our own responsibility.” Albert Camus

argued that “life is the sum of all your choices.” William Jennings Bryan offered that “destiny is not a matter of chance, it is a matter of choice.” W. H. Auden opined that “a man is responsible for his choice and must accept the consequences, whatever they may be.”<sup>1</sup>

We’re told early in life that we have choice and that we bear responsibility for our decisions. When I was in the third grade, my teacher—let’s call her Mrs. Connor—had a rule that no one could utter a word while in line on the way to the lunch room, library, or restroom. We were required to walk quietly in our eight-year-old bodies from the time we left the classroom until we reached our destination. For someone like me, this was impossible. By the time we made it to the lunch tables, library, or little boy urinals I had invariably begun talking to whatever kid was in earshot about whatever synapse was then firing in my brain.

I was also pretty honest. When we got back to the classroom, Mrs. Connor would often ask who had talked in line that day. I would raise my hand. She would then impose her penalty of making me write sentences recalling the behavioral objective: “I will not talk in line on the way to the lunch room.” I don’t remember how many times she had me write the dreaded sentence—it felt like a thousand but was probably twenty-five or fifty. But whatever it was, the number increased each time I violated the rule. And I grew more righteously indignant, thinking the rule was inconsistent with the pedagogical goals of third grade and out of proportion to the offense. Okay, what I really thought was just that the rule was stupid.

So one day I refused to write the sentences.

This civil disobedience created quite a stir. I was called in for a chat with the school counselor, who reminded me of the importance of following rules. I told her the rule was stupid. The counselor was not impressed by my analysis and sent me back to Mrs. Connor, who wrote a letter to my parents, describing my intransigence.

My dad listened to my side of the story and wrote back to Mrs. Connor that he understood and supported my decision not to write the sentences.

But he included a line I did not know about: “Kent will also accept the consequences of his decision.”

So after reading my dad’s note the next morning, Mrs. Connor took me out to the hallway. In the wisdom of Nixon-era Kentucky public school education, she had decided to change the punishment and paddle me instead. Another teacher stood by to pay witness—if not homage—as Mrs. Connor told me to bend over. She then hit me on my rear five times with a wooden paddle. The paddle had little holes drilled in it to make it extra painful, a design innovation that at the time struck me as quite effective. My rear end bore the consequences of my decision.

I wish I could report that my civil disobedience led Mrs. Connor to see the error of her ways and adjust her rules for hallway conversations, but I have no memory of that. I do remember being more careful about my loose lips on the way to the lunch room. The next year, Mrs. Connor and the school principal recommended me for admission into a “special” educational program that, not coincidentally, was located at another school.

I had learned a lesson. Choices have consequences, some bad—a paddling on my behind—and some unexpectedly better—the special program, which turned out to be quite good. I also learned that I was supposed to accept the consequences of my decisions even if I had not anticipated them.

The notion that we’re defined by, and responsible for, our choices is at the core of the American story. Even eight-year-olds are supposed to understand it. But it’s not just something we teach our children. It is at the center of our political theory and our legal system, as well as our advertising. Our nation’s founding documents base the legitimacy of government on the “consent of the governed.” Our laws are based on the fundamental



notion that people know what they're doing, whether in committing crimes or signing a contract. We idolize choice, using it to market everything from political causes (the right of access to an abortion, to its supporters, is the "right to choose") to fast food ("Have It Your Way").

But what if choice is fake?

What if we have much less ability to choose than we think we do? What if our choices—even the ones we *think* we are making—are so limited that we are less like wild horses on the plains and more like steers in a cattle chute? What if we are driven much more by the demands of economics, culture, power, and biology than we realize?

What if people "choose" outcomes in the same way I "chose" to be paddled when I stood up to my teacher? That is, hardly at all?

## I.

Let's say you're a guy who works with his hands. Your job is in a small factory, painting hatchets. You paint them and then place them on a rack above you to dry. You've worked there for years. One day, your employer installs a new hatchet-drying rack and you quickly notice that the new rack is unstable. If it were to collapse, you'd probably get hurt by the falling newly painted hatchets. So you warn your boss that the new shelf is dangerous and needs to be replaced.

Your boss listens attentively but tells you he's not going to fix the shelf. It's your choice, he says. You can take the risk of working there, or quit. Since you need the job, you shut up and keep working under the rickety rack.

Would you think that you had made a real choice?

This really happened. The shelf really fell, and the hatchet painter, whose name was Henry Lamson, was really hurt. He also really sued.

The Massachusetts court deciding the case ruled for the employer. The opinion was written over a hundred years ago by Oliver Wendell