



## Cass Sunstein – Cognitive infiltration

### Description

Cass Robert Sunstein FBA is an American legal scholar, particularly in the fields of constitutional law, administrative law, environmental law, and law and behavioral economics, who was the Administrator of the White House Office of Information and Regulatory Affairs in the Obama administration from 2009 to 2012. For 27 years, Sunstein taught at the University of Chicago Law School. Sunstein is the Robert Walmsley University Professor at Harvard Law School. [More at Wikipedia](#)

Sunstein suggests that the government should use conspiracies (i.e., cognitive infiltration, social interference via cognitive diversity) to stop debates about governmental conspiracies – an absurd idea which he articulated in several papers. Given his position as a presidential adviser it is realistic to assume that his ideas have real-world impact. Sunstein is known for his “nudge theory” of behaviour modification (cf. linguistic thought control and subliminal indoctrination).

See also: The origins of the “conspiracy meme”:

[cognitive-liberty.online/2018/11/20/the-conspiracy-meme-as-a-linguistic-tool-for-memetic-hegemony/](https://cognitive-liberty.online/2018/11/20/the-conspiracy-meme-as-a-linguistic-tool-for-memetic-hegemony/)

[cognitive-liberty.online/2019/01/10/origins-of-the-conspiracy-meme/](https://cognitive-liberty.online/2019/01/10/origins-of-the-conspiracy-meme/)

[Conspiracy-theories-causes-and-cures](#)

## References

Sunstein, C. R.. (2006). Irreversible and catastrophic. Cornell Law Review

Plain numerical DOI: 10.2139/ssrn.707128

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### Show/hide publication abstract

“As many treaties and statutes emphasize, some risks are distinctive in the sense that they are



potentially irreversible or catastrophic; for such risks, it is sensible to take extra precautions. when a harm is irreversible, and when regulators lack information about its magnitude and likelihood, they should purchase an option to prevent the harm at a later date – the irreversible harm precautionary principle. this principle brings standard option theory to bear on environmental law and risk regulation. and when catastrophic outcomes are possible, it makes sense to take special precautions against the worst-case scenarios – the catastrophic harm precautionary principle. this principle is based on two foundations: an appreciation of people's failure to appreciate the expected value of truly catastrophic losses; and an understanding of the distinction between risk and uncertainty. the irreversible harm precautionary principle must, however, be applied with a recognition that irreversible harms are sometimes on all sides of social problems, and that such harms may be caused by regulation itself. the catastrophic harm precautionary principle must be applied with an understanding that in some cases, eliminating the worst-case scenario causes far more serious problems than it solves. the normative arguments are illustrated throughout with reference to the problem of global warming; other applications include injunctions in environmental cases, genetic modification of food, protection of endangered species, and terrorism."

Sunstein, C. R.. (2000). Group dynamics. Law and Literature

Plain numerical DOI: 10.1080/1535685X.2000.11015605

[DOI URL](#)

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## Show/hide publication abstract

"Focuses on the concept of group dynamics. praise on the book 'leadership, psychology, and organizational behavior' written on the topic; information about various studies on the topic by scholars."

Jolls, C., Sunstein, C. R., & Thaler, R.. (1998). A Behavioral Approach to Law and Economics.

Stanford Law Review

Plain numerical DOI: 10.2307/1229304

[DOI URL](#)

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## Show/hide publication abstract

"Economic analysis of law usually proceeds under the assumptions of neo-classical economics. but empirical evidence gives much reason to doubt these assumptions; people exhibit bounded rationality, bounded self-interest, and bounded willpower. this article offers a broad vision of how law and economics analysis may be improved by increased attention to insights about actual human behavior. it considers specific topics in the economic analysis of law and proposes new models and approaches for addressing these topics. the analysis of the article is organized into three categories: positive, prescriptive, and normative. positive analysis of law concerns how agents behave in response to legal rules and how legal rules are shaped. prescriptive analysis concerns what rules should be adopted to advance specified ends. normative analysis attempts to assess more broadly the ends of the legal system: should the system always respect people's choices? by drawing attention to cognitive and motivational problems of both citizens and government, behavioral law and economics offers answers distinct from those offered by the standard analysis."



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Thaler, R., & Sunstein, C.. (2008). Nudge. Journal of Chemical Information and Modeling

Plain numerical DOI: 10.1007/s10602-008-9056-2

[DOI URL](#)

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### Show/hide publication abstract

"Nudge is about choices – how we make them and how we're led to make better ones. authors richard h. thaler and cass r. sunstein offer a new perspective on how to prevent the countless bad mistakes we make in our lives, including ill-advised personal investments, consumption of unhealthy foods, neglect of our natural resources, and other numerous bad decisions regarding health care, our families, and education. citing decades of cutting-edge behavioral science research, they demonstrate that sensible 'choice architecture' can successfully nudge people toward the best decision without restricting their freedom of choice."

Sunstein, C. R.. (2005). Moral heuristics. Behavioral and Brain Sciences

Plain numerical DOI: 10.1017/S0140525X05000099

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### Show/hide publication abstract

"With respect to questions of fact, people use heuristics – mental short-cuts, or rules of thumb, that generally work well, but that also lead to systematic errors. people use moral heuristics too – moral short-cuts, or rules of thumb, that lead to mistaken and even absurd moral judgments. these judgments are highly relevant to law and politics. examples are given from a number of domains, with an emphasis on appropriate punishment. moral framing effects are discussed as well."

Sunstein, C. R.. (1999). The Law of Group Polarization. SSRN

[doi.org/10.1111/1467-9760.00148](https://doi.org/10.1111/1467-9760.00148)

### Show/hide publication abstract

"In a striking empirical regularity, deliberation tends to move groups, and the individuals who compose them, toward a more extreme point in the direction indicated by their own predeliberation judgments. for example, people who are opposed to the minimum wage are likely, after talking to each other, to be still more opposed; people who tend to support gun control are likely, after discussion, to support gun control with considerable enthusiasm; people who believe that global warming is a serious problem are likely, after discussion, to insist on severe measures to prevent global warming. this general phenomenon — group polarization — has many implications for economic, political, and legal institutions. it helps to explain extremism, 'radicalization,' cultural shifts, and the behavior of political parties and religious organizations; it is closely connected to current concerns about the consequences of the internet; it also helps account for feuds, ethnic antagonism, and tribalism. group polarization bears on the conduct of government institutions, including juries, legislatures, courts, and regulatory commissions. there are interesting relationships between group polarization and social cascades, both



informational and reputational. normative implications are discussed, with special attention to political and legal institutions."

Thaler, R. H., & Sunstein, C. R.. (2003). Libertarian paternalism. In American Economic Review

Plain numerical DOI: 10.1257/000282803321947001

[DOI URL](#)

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## Show/hide publication abstract

"Thaler and sunstein—authors of the popular book 'nudge: improving decisions about health, wealth, and happiness'—define the term 'libertarian paternalism' as 'an approach that preserves freedom of choice but that authorizes both private and public institutions to steer people in directions that will promote their welfare.' the paper questions the assumption that people always make rational choices, and suggests that they 'exhibit dynamic inconsistency, valuing present consumption much more than future consumption.' using a study that thaler had conducted in 2002 with shlomo benartzi, the authors argue this point with an example concerning personal finance: subjects in the study volunteered to share their portfolio choices with investigators. they were then shown the probability distributions of expected retirement income for three investment portfolios, labeled a, b, and c. unbeknownst to the subjects, the three portfolios were their own and portfolios mimicking the average and median choices of their fellow employees. the study found that, on average, the subjects rated the average portfolio equally with their own portfolio, and they judged the median portfolio to be significantly more attractive than their own. furthermore, only 20 percent of the subjects preferred their own portfolio to the median portfolio. in this paper, thaler and sunstein argue against the premise that 'people do a good job of making choices, or at least that they do a far better job than third parties could do,' and specifically use an example of personal finance to support this objection."

Sunstein, C. R.. (2014). Nudging: A Very Short Guide. Journal of Consumer Policy

Plain numerical DOI: 10.1007/s10603-014-9273-1

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"This brief essay offers a general introduction to the idea of nudging, along with a list of ten of the most important 'nudges.' it also provides a short discussion of the question whether to create some kind of separate 'behavioral insights unit,' capable of conducting its own research, or instead to rely on existing institutions."

Sunstein, C. R.. (2001). Cass R. Sunstein. Virginia Law Review

Plain numerical DOI: 10.2139/ssrn.2733142

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## Show/hide publication abstract

"We investigated whether the higher maximum speed of complex athletic movements attained by experts compared with novices might solely be ascribed to the acquisition of a more efficient timing of the initiation of the simple movements that comprise complex sporting gestures. six novices in fencing and five experts in fencing performed three experimental series: 7 trials of touche, 7 trials of lunge (control series) and 50 trials of lunge + touche (test series), where the touche and lunge were initiated with different chronological sequences imposed by the experimenter. the lunge and the touche can be assimilated to a fast forward step and to a pointing task, respectively. we compared the maximum speed of touche between the two groups, recorded by an accelerometer fixed to the hand guard of the foil, and the speed of the centre of mass obtained from a force plate. the speed of the centre of mass was not statistically different between the two groups in the control and in the test series. the maximum speed of touche was not statistically different between the two groups in the control series. in contrast, in the test series, the maximum speed of touche was higher in the fencers' than in novices' groups, while the timing of initiation of the lunge and the touche was similar. the results of the test series show that the higher maximum speed of touche of fencers compared with novices cannot solely be ascribed to the acquisition of a more efficient initiation timing in motor programming. in a complex fencing gesture, the higher maximum speed of touche following intensive practice is discussed with regard to the inhibition of negative effects linked to the 'refractory period' associated with the initiation of two closely spaced motor programs"

Sunstein, C. R.. (2006). Infotopia: How Many Minds Produce Knowledge. First Monday

Plain numerical DOI: 10.1017/S1537592708080821

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## Show/hide publication abstract

"The rise of the 'information society' offers not only considerable peril but also great promise. beset from all sides by a never-ending barrage of media, how can we ensure that the most accurate information emerges and is heeded? in this book, cass r. sunstein develops a deeply optimistic understanding of the human potential to pool information, and to use that knowledge to improve our lives. in an age of information overload, it is easy to fall back on our own prejudices and insulate ourselves with comforting opinions that reaffirm our core beliefs. crowds quickly become mobs. the justification for the iraq war, the collapse of enron, the explosion of the space shuttle columbia-all of these resulted from decisions made by leaders and groups trapped in 'information cocoons,' shielded from information at odds with their preconceptions. how can leaders and ordinary people challenge insular decision making and gain access to the sum of human knowledge? stunning new ways to share and aggregate information, many internet-based, are helping companies, schools, governments, and individuals not only to acquire, but also to create, ever-growing bodies of accurate knowledge. through a ceaseless flurry of self-correcting exchanges, wikis, covering everything from politics and business plans to sports and science fiction subcultures, amass-and refine-information. open-source software enables large numbers of people to participate in technological development. prediction markets aggregate information in a way that allows companies, ranging from computer manufacturers to hollywood studios, to make better decisions about product launches and office openings. sunstein shows how people can assimilate aggregated information without succumbing to the dangers of the





herd mentality-and when and why the new aggregation techniques are so astoundingly accurate. in a world where opinion and anecdote increasingly compete on equal footing with hard evidence, the on-line effort of many minds coming together might well provide the best path to infotopia."

Sunstein, C. R.. (1996). Social Norms and Social Roles. Columbia Law Review

Plain numerical DOI: 10.2307/1123430

[DOI URL](#)

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## Show/hide publication abstract

"Mycotoxins are small (mw approximately 700), toxic chemical products formed as secondary metabolites by a few fungal species that readily colonise crops and contaminate them with toxins in the field or after harvest. ochratoxins and aflatoxins are mycotoxins of major significance and hence there has been significant research on broad range of analytical and detection techniques that could be useful and practical. due to the variety of structures of these toxins, it is impossible to use one standard technique for analysis and/or detection. practical requirements for high-sensitivity analysis and the need for a specialist laboratory setting create challenges for routine analysis. several existing analytical techniques, which offer flexible and broad-based methods of analysis and in some cases detection, have been discussed in this manuscript. there are a number of methods used, of which many are lab-based, but to our knowledge there seems to be no single technique that stands out above the rest, although analytical liquid chromatography, commonly linked with mass spectroscopy is likely to be popular. this review manuscript discusses (a) sample pre-treatment methods such as liquid-liquid extraction (lle), supercritical fluid extraction (sfe), solid phase extraction (spe), (b) separation methods such as (tlc), high performance liquid chromatography (hplc), gas chromatography (gc), and capillary electrophoresis (ce) and (c) others such as elisa. further currents trends, advantages and disadvantages and future prospects of these methods have been discussed."

Selinger, E., & Whyte, K.. (2011). Is There a Right Way to Nudge? The Practice and Ethics of Choice Architecture. Sociology Compass

Plain numerical DOI: 10.1111/j.1751-9020.2011.00413.x

[DOI URL](#)

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## Show/hide publication abstract

"Cass sunstein and richard thaler's nudge: improving decisions about health, wealth, and happiness presents an influential account of why 'choice architecture' should be used to 'nudge' people into making better decisions than they would otherwise make. in this essay we: (1) explain the main concepts that thaler and sunstein rely upon to defend their project; (2) clarify the main conceptual problems that have arisen in discussions about nudges; (3) clarify practical difficulties that can arise during nudge practice; (4) review the main ethical and political objections that have been raised against nudging; and (5) clarify why issues related to meaning can pose methodological problems for creating effective choice architecture."

Sunstein, C. R., & Thaler, R. H.. (2003). Libertarian Paternalism is Not an Oxymoron. SSRN



[doi.org/10.2139/ssrn.405940](https://doi.org/10.2139/ssrn.405940)

## Show/hide publication abstract

"The idea of libertarian paternalism might seem to be an oxymoron, but it is both possible and legitimate for private and public institutions to affect behavior while also respecting freedom of choice. often people's preferences are ill-formed, and their choices will inevitably be influenced by default rules, framing effects, and starting points. in these circumstances, a form of paternalism cannot be avoided. equipped with an understanding of behavioral findings of bounded rationality and bounded self-control, libertarian paternalists should attempt to steer people's choices in welfare-promoting directions without eliminating freedom of choice. it is also possible to show how a libertarian paternalist might select among the possible options and to assess how much choice to offer. examples are given from many areas, including savings behavior, labor law, and consumer protection."

Sugden, R.. (2009). On nudging: A review of nudge: Improving decisions about health, wealth and happiness by Richard H. Thaler and cass R. Sunstein. International Journal of the Economics of Business

Plain numerical DOI: 10.1080/13571510903227064

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"This paper reviews the case for libertarian paternalism presented by thaler and sunstein in nudge. thaler and sunstein argue that individuals' preferences are often incoherent, making paternalism is unavoidable; however, paternalistic interventions should 'nudge' individuals without restricting their choices, and should nudge them towards what they would have chosen had they not been subject to specific limitations of rationality. i argue that the latter criterion provides inadequate guidance to nudgers. it is inescapably normative, and so allows nudgers' conceptions of well-being to override those of nudgees. even if nudgees' rationality were unbounded, their revealed preferences might still be incoherent."

Sunstein, C. R.. (2013). The storrs lectures: Behavioral economics and paternalism. Yale Law Journal

Plain numerical DOI: 10.2139/ssrn.2182619

[DOI URL](#)

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"A growing body of evidence demonstrates that in some contexts and for identifiable reasons, people make choices that are not in their interest, even when the stakes are high. policymakers in a number of nations, including the united states and the united kingdom, have used the underlying evidence to inform regulatory initiatives and choice architecture in a number of domains. both the resulting actions and the relevant findings have raised the question whether an understanding of human errors opens greater space for paternalism. behavioral market failures, which occur as a result of such errors, are an



important supplement to the standard account of market failures; if promoting welfare is the guide, then behavioral market failures should be taken into consideration, even if the resulting actions are paternalistic. a general principle of behaviorally informed regulation – its first law – is that the appropriate responses to behavioral market failures usually consist of nudges, generally in the form of disclosure, warnings, and default rules. while some people invoke autonomy as an objection to paternalism, the strongest objections are welfarist in character. official action may fail to respect heterogeneity, may diminish learning and self-help, may be subject to pressures from self-interested private groups (the problem of ‘behavioral public choice’), and may reflect the same errors that ordinary people make. the welfarist arguments against paternalism have considerable force, but choice architecture, and sometimes a form of paternalism, are inevitable, and to that extent the welfarist objections cannot get off the ground. where paternalism is optional, the objections, though reasonable, depend on empirical assumptions that may not hold in identifiable contexts. there are many opportunities for improving human welfare through improved choice architecture. ”

Dominici, F., Greenstone, M., & Sunstein, C. R.. (2014). Particulate matter matters. *Science*

Plain numerical DOI: 10.1126/science.1247348

[DOI URL](#)

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## Show/hide publication abstract

“This paper introduces material computation to offload computing from machine to material, in the process of creating shape-changing output. it contains the explanation on the mechanism of transformation, the concept of material computation, the summary and analysis of literature research within and beyond the hci field, the interaction loop integrating material computation, and my own practice in material computation technics and applications.”

Sunstein, C. R.. (2005). Laws of fear: Beyond the precautionary principle. *Laws of Fear: Beyond the Precautionary Principle*

Plain numerical DOI: 10.1017/CBO9780511790850

[DOI URL](#)

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“No abstract available.”

Sunstein, C. R.. (2014). Why nudge?: The politics of libertarian paternalism (the Storrs Lectures series). *The Politics of Libertarian Paternalism*

Plain numerical DOI: 10.1007/s12115-015-9975-2

[DOI URL](#)

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## Show/hide publication abstract

“Based on a series of pathbreaking lectures given at yale university in 2012, this powerful, thought-





provoking work by national best-selling author Cass R. Sunstein combines legal theory with behavioral economics to make a fresh argument about the legitimate scope of government, bearing on obesity, smoking, distracted driving, health care, food safety, and other highly volatile, high-profile public issues. Behavioral economists have established that people often make decisions that run counter to their best interests-producing what Sunstein describes as "behavioral market failures." Sometimes we disregard the long term; sometimes we are unrealistically optimistic; sometimes we do not see what is in front of us. With this evidence in mind, Sunstein argues for a new form of paternalism, one that protects people against serious errors but also recognizes the risk of government overreaching and usually preserves freedom of choice. Against those who reject paternalism of any kind, Sunstein shows that "choice architecture"-government-imposed structures that affect our choices-is inevitable, and hence that a form of paternalism cannot be avoided. He urges that there are profoundly moral reasons to ensure that choice architecture is helpful rather than harmful-and that it makes people's lives better and longer'-"

Sunstein, C. R., & Vermeule, A.. (2009). Symposium on conspiracy theories: Conspiracy theories: Causes and cures. In *Journal of Political Philosophy*

Plain numerical DOI: 10.1111/j.1467-9760.2008.00325.x

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"Many millions of people hold conspiracy theories; they believe that powerful people have worked together in order to withhold the truth about some important practice or some terrible event. A recent example is the belief, widespread in some parts of the world, that the attacks of 9/11 were carried out not by al Qaeda, but by Israel or the United States. Those who subscribe to conspiracy theories may create serious risks, including risks of violence, and the existence of such theories raises significant challenges for policy and law. The first challenge is to understand the mechanisms by which conspiracy theories prosper; the second challenge is to understand how such theories might be undermined. Such theories typically spread as a result of identifiable cognitive blunders, operating in conjunction with informational and reputational influences. A distinctive feature of conspiracy theories is their self-sealing quality. Conspiracy theorists are not likely to be persuaded by an attempt to dispel their theories; they may even characterize that very attempt as further proof of the conspiracy. Because those who hold conspiracy theories typically suffer from a 'crippled epistemology,' in accordance with which it is rational to hold such theories, the best response consists in cognitive infiltration of extremist groups. Various policy dilemmas, such as the question whether it is better for government to rebut conspiracy theories or to ignore them, are explored in this light."

Sunstein, C. R.. (2003). Terrorism and Probability Neglect. *Journal of Risk and Uncertainty*

Plain numerical DOI: 10.1023/A:1024111006336

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"When strong emotions are involved, people tend to focus on the badness of the outcome, rather than on the probability that the outcome will occur. The resulting 'probability neglect' helps to explain



excessive reactions to low-probability risks of catastrophe. terrorists show a working knowledge of probability neglect, producing public fear that might greatly exceed the discounted harm. as a result of probability neglect, people often are far more concerned about the risks of terrorism than about statistically larger risks that they confront in ordinary life. in the context of terrorism and analogous risks, the legal system frequently responds to probability neglect, resulting in regulation that might be unjustified or even counterproductive. but public fear is itself a cost, and it is associated with many other costs, in the form of 'ripple effects' produced by fear. as a normative matter, government should reduce even unjustified fear, if the benefits of the response can be shown to outweigh the costs" Sunstein, C. R.. (2000). Deliberative Trouble? Why Groups Go to Extremes. Yale Law Journal

Plain numerical DOI: 10.2307/797587

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## Show/hide publication abstract

"In this essay, i have discussed the phenomenon of group polarization and explored some of its implications for deliberation generally and deliberative democracy in particular. the central empirical finding is that group discussion is likely to shift judgments toward a more extreme point in the direction indicated by the median of predeliberation judgments. this is true if a group decision is required; if individuals are polled anonymously afterwards, they are likely to shift in precisely the same way. the underlying mechanisms are twofold. the first involves people's desire to stand in a particular relation to the group, perhaps for reputational reasons, perhaps to maintain their self-conception. shifts occur as people find that it is necessary to alter their positions in order to maintain their self-conception or their desired relation to the group. the second mechanism involves limited 'argument pools,' as members of groups with a certain initial tendency typically hear a large number of arguments in support of that tendency, and few arguments in the other direction. when arguments are skewed toward a particular point of view, group members will move in the direction of that point of view. in a finding of special importance to democratic theory, group polarization is heightened if members have a sense of shared identity. and in an equally important finding, group polarization is diminished, and depolarization may result, if members have a degree of flexibility in their views and groups consist of an equal number of people with opposing views. in the abstract, and without knowing anything about the underlying substance, it is impossible to say whether group polarization is good or bad. but the mechanisms that underlie group polarization raise serious questions about the view that deliberation is likely to yield correct answers to social questions. like-minded people engaged in discussion with one another may lead each other in the direction of error and falsehood, simply because of the limited argument pool and the operation of social influences. this point very much bears on deliberation within insulated groups and hence on emerging communications technologies, which allow a high degree of individual filtering; insulation and filtering can compound error. the point also bears on the design of deliberating courts, legislatures, and regulatory agencies. above all, an understanding of group polarization helps explain why like-minded people, engaged in de..."

Sunstein, C. R.. (2014). The Ethics of Nudging. SSRN

[doi.org/10.2139/ssrn.2526341](https://doi.org/10.2139/ssrn.2526341)



## Show/hide publication abstract

"This essay defends the following propositions. (1) it is pointless to object to choice architecture or nudging as such. choice architecture cannot be avoided. nature itself nudges; so does the weather; so do spontaneous orders and invisible hands. the private sector inevitably nudges, as does the government. it is reasonable to object to particular nudges, but not to nudging in general. (2) in this context, ethical abstractions (for example, about autonomy, dignity, and manipulation) can create serious confusion. to make progress, those abstractions must be brought into contact with concrete practices. nudging and choice architecture take diverse forms, and the force of an ethical objection depends on the specific form. (3) if welfare is our guide, much nudging is actually required on ethical grounds. (4) if autonomy is our guide, much nudging is also required on ethical grounds. (5) choice architecture should not, and need not, compromise either dignity or self-government, though imaginable forms could do both. (6) some nudges are objectionable because the choice architect has illicit ends. when the ends are legitimate, and when nudges are fully transparent and subject to public scrutiny, a convincing ethical objection is less likely to be available. (7) there is, however, room for ethical objections in the case of well-motivated but manipulative interventions, certainly if people have not consented to them; such nudges can undermine autonomy and dignity. it follows that both the concept and the practice of manipulation deserve careful attention. the concept of manipulation has a core and a periphery; some interventions fit within the core, others within the periphery, and others outside of both. "

### Category

1. General

### Tags

1. Behavioral economics
2. Cognitive infiltration
3. Conspiracy theory
4. decision-making
5. Nudge

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web45