

Kelly, Jamie Terence. *Framing Democracy: A Behavioral Approach to Democratic Theory*.

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While behavioral economics and law are going strong, no such major “behavioral turn” has taken place in political philosophy. To some extent that is due to different explanatory objectives.

Generally speaking, political philosophy is and ought to be much less concerned with descriptive adequacy than economics or law because the primary aim of inquiry is normative. That line of resistance, however, is less plausible for theories that are more concretely focused on empirical phenomena, such as democratic theory. It is this area where Jamie Terence Kelly's small volume aims to close a gap by establishing “behavioral democratic theory” as a new way of linking empirical results from the behavioral sciences with normative theories of democracy.

In a brief introduction, Kelly claims that behavioral theories in economics and law eschew the rational actor model in favor of modeling humans as boundedly rational (I will dispute this assertion below). He then suggests that the phenomena of bounded rationality are of indirect interest to normative political theory because they inform us about the “moral consequences of democratic government” (2). This, of course, is particularly relevant for outcome-based justifications of democracy. It also ties in with a restriction in scope that Kelly announces right from the start: he is primarily concerned with “judgment-based theories” of democracy. Such theories take votes as judgments about what is right or good, implying that votes can be correct or mistaken and that voters can be more or less competent. A second restriction in scope pertains to the type of cognitive bias. As suggested by the title, *Framing Democracy* investigates the implications of framing effects, deliberately bracketing other anomalies such as overconfidence biases, self-serving biases, endowment effects, etc.

Chapter 1 surveys some of the recent empirical investigations of framing effects, drawing on

seminal work by Kahneman and Tversky, but also on recent studies by Sunstein, Thaler, Ariely, and many others. Kelly reminds us that framing effects are violations of a core principle of rational choice: the principle of invariance. An important upshot of invariance is that preferences should not change in light of purely presentational but logically equivalent re-descriptions of an outcome. Overwhelming experimental evidence, however, shows that invariance violations are easy to find. In particular, presenting a choice by framing the outcomes either in terms of gains or losses typically changes the preferences over that choice, as in Kahneman and Tversky's famous "Asian disease" experiment (Amos Tversky and Daniel Kahneman, "The framing of decisions and the psychology of choice," *Science* 211(4481) [1981]: 453-458). Framing effects are not only widespread, they are also difficult to guard against, and they affect even trained professionals in their own field of expertise. Given their remarkable robustness, it seems likely that framing effects matter for democratic decision making, too. However, specific experimental evidence pertaining to political processes is still rare. Kelly reports some experiments showing that the order and the wording of questions in political surveys can affect results, and he refers to anecdotal evidence that political actors often fight to have contested issues framed to their advantage, especially when it comes to the formulation of referendum texts.

If we accept that framing effects have an impact on democratic decision making, what follows for democratic theory? Kelly dismisses overly skeptical conclusions. Some theorists, operating in a minimal-proceduralist preference aggregation framework, have argued that preference aggregation is virtually pointless because the influence of frames renders preferences unstable and therefore arbitrary. This line of critique, advanced by Larry Bartels and others, is akin to Riker's pessimistic view of democracy, drawing on Arrow's impossibility theorem. For Kelly, such a radical skepticism is mistaken because the empirical evidence does not suggest that *all* choice situations are prone to framing effects. Framing occurs in specific, increasingly well-understood contexts, and it does so in quite predictable ways. These regularities suggests that political preferences are not generally

arbitrary and meaningless. In addition, the existence of framing effects does not imply that all frames are equal. Some frames elicit preferences that individuals would endorse upon reflection, while other frames elicit preferences that they would reject if they became aware of how the frame had affected them (for example, subjects who become aware that a frame made them reverse their decision over two logically equivalent outcomes are likely to correct their preferences). This suggests that frames can be more or less misleading. However, Kelly's main disagreement with the skeptics is about the choice of framework: the skeptics take democracy as a procedure for preference aggregation, while Kelly is in favor of more cognitive approaches. In this commitment to objective standards he is close to Thaler and Sunstein's work on "nudges" and "libertarian paternalism" (Richard H. Thaler & Cass R. Sunstein, *Nudge: Improving decisions about health, wealth, and happiness* [New Haven: Yale University Press, 2008]). But while Thaler and Sunstein measure the quality of a choice in terms of the *welfare implications for the choosing person*, Kelly maintains that the quality of the choice is determined by whether the underlying judgments are (broadly speaking) *correct*, "evaluated in terms of standards such as truth, morality, or justice." (36).

In Chapter 2 Kelly presents a taxonomy of theories of democracy, ordering them from least to most demanding in terms of the citizen's epistemic competence. Minimalist theories conceive democracy primarily as a mechanism to aggregate preferences. They are least demanding epistemically because preferences are neither true nor false – a voter only needs to express her desires, typically by stating the most preferred candidate or policy, which does not require a high level of cognitive sophistication. Many purely procedural theories are similarly undemanding because they assess legitimacy not in terms of outcomes but procedural criteria. At the other end of the spectrum are epistemic theories of democracy, for instance Robert Talisse's "dialogical democracy" (*Democracy and Moral Conflict* [Cambridge: Cambridge University Press, 2009]) and Condorcetian theories of democracy. These theories rest on the assumption that citizens are epistemically competent, and that

democracy is at least partly justified because of the correctness of its outcomes. In between we find hybrid theories, such as Estlund's epistemic proceduralism.

Chapter 3 introduces behavioral democratic theory as a new approach. Kelly gives a more precise account of the notion of “epistemic competence”, which is supposed “to stand in for a whole range of individual skills and abilities” (60). He then observes that different theories of democracy demand different thresholds of competence. However, even though most theories of democracy rely on at least some minimal empirical claims with regard to competence, a deeper engagement with the empirical literature is often missing. This, Kelly thinks, may be due to three reasons: some theories simply stipulate competence; others make idealizing assumptions about voter competence, and a third group takes it as *morally* required to treat voters as competent. Kelly finds none of these reasons convincing, and instead argues for a tighter integration of empirical research and democratic theory.

In chapter 4, behavioral democratic theory is applied. Kelly's approach is two-pronged. For those democratic theories on the minimalist side of the spectrum, he argues that their relative immunity to framing problems comes with a high price tag: their arguments for the legitimacy of democracy are weak because they cannot appeal to the value of outcomes at all. For the epistemically demanding theories, by contrast, framing effects are a serious threat, and more debate is needed as to how these can be taken into account and alleviated. The remainder of the chapter runs through different democratic theories and discusses how framing problems might become relevant. Given the limited empirical evidence regarding framing in politics, these sections are necessarily of a more speculative nature.

Finally, chapter 5 proposes some institutional arrangements to contain or prevent adverse effects of framing. Kelly points to some (still rather limited) evidence that competition between diverse

frames can reduce framing effects. This leads to a number of policy proposals directed against dominant opinion leaders and the crowding-out of minority perspectives. Among them are the introduction of multi-party systems, lowering the barriers of entry for new parties (including campaign finance reform), anti-trust restrictions regarding media ownership, and other measures to preserve a diversity of perspectives in public discourse. Apart from these means to reduce opinion leadership, Kelly also suggests some absolute constitutional constraints combined with judicial review. How these absolute constraints can protect against misleading framing is less clear; judicial review may arguably be influenced by framing as well. In addition, Kelly briefly addresses the role of education, and especially education about the cognitive biases caused by framing, as a possibly effective route to reduce their influence.

*Framing Democracy* raises a number of important conceptual questions about the nature and effect of frames in relation to public reasoning. One thorny issue Kelly identifies is the distinction between *distorting* a decision and *providing new reasons* for a decision. To see this problem, note that the paradigmatic examples of framing are constructed such that while the description of the outcome changes, the outcomes are actually mathematically equivalent (e.g., 200 out of 600 will survive vs. 400 out of 600 will die). Kelly calls these “equivalency framing effects” (12). A difficulty arises because frames affecting public reasoning are often not like that. Instead, they typically rely on making certain properties of a situation salient, providing different reasons for taking one course of action over the other. The descriptions such frames offer to the voters are not mathematically equivalent; Kelly thus calls them “emphasis framing effects” (14, this terminology was first introduced by James Druckman).

One example for emphasis framing is the effect of question ordering in surveys. *Framing Democracy* reports the results of a survey experiment (Howard Schuman & Stanley Presser, *Questions and answers in attitude surveys* [New York: Academic Press, 1981]) in which

participants were asked whether a Communist [American] reporter should be allowed to come to the US [Russia] and freely report back to their paper. All questionnaires contained both questions, one with the main wording, the other with the alternative wording given in square brackets. However, the treatment differed in which *order* these two items were slotted into the questionnaire. Unsurprisingly, those subjects who first considered whether a US correspondent should be allowed to report freely from Russia were subsequently more likely to allow a “Communist” reporter to work freely in the US. What shall we make of this? It seems that the subjects first confronted with the US reporter briefing from Russia are provided with an additional normative reason for allowing the “Communist” reporter to report from the US – an implicit appeal to a principle of equal treatment and reciprocity. Also, since these subjects have already committed to a view with regard to the US journalist reporting from Moscow, they are now in a bind to take their previous commitment into account. The change in answers caused by the question order is therefore not irrational – subjects do not mistakenly change their judgments in light of two equivalent but differently framed descriptions. Rather, their reactions are much more plausibly described as a response to an implicit normative argument. If we consider that sort of phenomenon to be a framing effect, then even trying to persuade people with good or bad arguments might be a form of framing, implying that any form of public deliberation is one big framing exercise. In effect, the notion of framing would become so broad that it is rendered almost useless. It is a strength of Kelly's book that this problem is addressed clearly, though more work is necessary to draw a plausible distinction between framing and arguing.

A second concern is the wide gap between the actual evidence available and the ideal evidence for Kelly's framework. Since Kelly is most interested in epistemic justifications of democracy, he ought to be interested in framing effects that lead to changes in *judgments* about facts. However, most of the framing literature is instead about the impact of frames on *preferences*, and indeed most of the examples given in chapter 1 are frames causing preference change. The problem is: showing that

frames can change our preferences cannot be taken as evidence for the claim that frames change our judgments about facts. This lack of evidence for judgment-affecting framing effects is a serious problem for the argument, and one starts to wonder why Kelly has not chosen to focus on available empirical results that describe failures of judgment in social contexts. Conformity biases and groupthink effects come to mind. Kelly does offer a line of defense though, arguing that there is at least some evidence that frames can lead to mistaken judgments concerning probabilistic reasoning (40), but he does not spend much time discussing these results.

Kelly asserts repeatedly that the “rational actor model” has been falsified and needs to be replaced by models of bounded rationality. In my view, that is not a balanced account of the debate, and I don't think the claim is true. I concur with Kelly that the more specific *homo economicus* assumption is often violated (though in high-stakes decisions it can still offer fairly good approximations). But that does not imply the death of the “rational actor model”. Quite the opposite – in behavioral economics a diverse range of new rational actor models is emerging, often with more unorthodox utility functions, including altruistic preferences, group identity, image concerns, etc., and with agents that operate under uncertainty, have limited memory, or are not perfect Bayesians. Nevertheless, most of these models are rational actor models because they make the basic assumptions that agents behave as if they were maximizing their utility, given certain constraints. Abandoning all the theoretical and empirical advances made in the modeling of rational actors would be throwing out the baby with the bathwater.

*Framing Democracy* asks important questions about the impact of framing effects on democratic theory. It offers an insightful review of the existing framing literature and a useful taxonomy of theories of democracy. I am less convinced that Kelly succeeds in applying the framing literature in the context of democracy. The evidence available does not allow us to draw many substantial conclusion about the outcomes of democratic processes, leading to speculations that are

occasionally rather far-fetched. This notwithstanding, closer attention to the behavioral sciences is likely to transform democratic theory, opening up new avenues of research. In that regard, Kelly's book points us in the right direction.

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